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Assembly Proceedings

Official Report

Bengal Legislative Assembly

Eighteenth Session, 1944

The 26th, 29th, 30th and 31st May and 5th, 6th, 7th, 8th, 9th, 12th, 13th, 14th, 15th, 16th, 19th, 20th, 21st and 23rd June, 1944.

BENGAL LEGISLATIVE ASSEMBLY
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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble RICHARD GARDINER CASEY, C.H., D.S.O., M.C.

MEMBERS OF THE COUNCIL OF MINISTERS.

The Hon'ble Khwaja Sir NAZIMUDDING, K.C.I.E., in charge of the Home (Civil Defence Co-ordination) Department.

The Hon'ble Mr. H. S. SUHRAWARDY, in charge of the Department of Civil Supplies.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI, in charge of the Finance Department.

The Hon'ble Mr. TAMIZUDDIN KHAN, in charge of the Education Department.

The Hon'ble Mr. BARADA PROSANNA PAIN, in charge of the Department of Communications and Works.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN, in charge of the Department of Agriculture (Rural Reconstruction).

The Hon'ble Mr. TARAK NATH MUKERJEA, M.B.E., in charge of the Revenue Department (Evacuation and Relief).

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur, in charge of the Judicial and Legislative Department.

The Hon'ble Mr. Khwaja SHAHABUDDIN, C.B.E., in charge of the Departments of Commerce, Labour and Industries (including Postwar Reconstruction).

The Hon'ble Mr. PREMHARI BARMA, in charge of the Forests and Excise Department.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD, in charge of the Department of Public Health and Local Self-Government.

The Hon'ble Mr. PULIN BEHARY MULLICK, in charge of the Publicity Department.

The Hon'ble Mr. JOGENDRA NATH MANDAL, in charge of the Co-operative Credit and Rural Indebtedness Department.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE ASSEMBLY.

SPEAKER.

The Hon'ble Mr. SYED NAUSHER ALI.

DEPUTY SPEAKER.

SYED JALALUDDIN HASHEMY, Esq.

SECRETARY.

K. ALI AFZAL, Esq., Barrister-at-law.

THE BENGAL LEGISLATIVE ASSEMBLY P

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Official Report of the Eighteenth Session.

Volume LXVII—No. 6.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 26th May, 1944, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 12 Hon'ble Ministers and 168 members.

Held-over questions.

STARRED QUESTIONS

(to which oral answers were given)

Hospitals in Gopalganj subdivision and distribution of quinine.

*344. **Mr. SHAMSUDDIN AHMED KHONDKAR:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether he is aware that a military relief hospital is at work side by side with the Civil Hospital at the subdivisional headquarters of Gopalganj in the district of Faridpur?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the Table a statement showing separately for the months of November, December and January last—

(*i*) the number of patients both indoor and outdoor in each of the said hospital;

(*ii*) the number of malaria patients;

(*iii*) the number of new patients;

(*iv*) the amount collected from patients in the Civil Hospital, if any; and

(*v*) the rate of such collection?

(*c*) Will the Hon'ble Minister be pleased to state whether he is aware that centres have been opened in the rural areas for free distribution of quinine?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the names of centres in the police-station of Gopalganj that are within a radius of five miles in all directions from the Gopalganj Civil Hospital;

(*ii*) the names of persons with medical qualification, if any, employed at those centres;

(*iii*) the number of recipients of quinine at those centres; and

(*iv*) the number of days in a week fixed for distribution of quinine at each centre?

(*e*) Will the Hon'ble Minister be pleased to state if he is aware that a large number of patients from the jurisdictions of those centres approached Civil Hospital and received quinine on payment of the usual fee?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons therefor?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) and (*c*) Yes.

(*b*)(*i*) to (*iii*) A statement is laid on the Library Table.

(*iv*) Collections from patients during November, December and January are Rs. 292, Rs. 315-4 and Rs. 270-7, respectively.

(*v*) One anna from new patients and six pies from the old are realised. The poor were exempted.

(*d*) A statement is laid on the Library Table.

(*e*) Some of these patients received medicine also from the Civil Hospital.

(*f*) I am unable to say, but the reason may be that the treatment centres were not open each day of the week.

Expenditure incurred by Bengal Government for famine relief from 1st July to 31st December, 1943.

***345. Dr. SANAULLAH:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the Table a statement showing district by district from the 1st of July, 1943, up to the 31st of December, 1943, the total amount spent in each month by the Government of Bengal for famine relief?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): Three statements furnishing the information are laid on the Library Table.

Amount provided for gratuitous relief in Faridpur district.

***346. Maulvi AHMED ALI MRIDHA:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) what were the amounts provided for Gratuitous Relief in the district of Faridpur in each of the years 1942-43 and 1943-44;

(*b*) how much of the same were allotted to the different subdivisions in each of the years; and

(*c*) how much of the same were distributed in each of the years in the different subdivisions?

The Hon'ble Mr. TARAK NATH MUKERJEA:

		Rs.
(*a*)	1942-43	32,000
	1943-44	14,10,000*

		1942-43.	1943-44.
		Rs.	Rs.
(*b*)	Sadar ..	11,000	3,41,000
	Goalundo ..	16,000	3,62,100
	Madaripur ..	4,000	5,63,400
	Gopalganj ..	1,000	1,43,500
		32,000	14,10,000

*Besides Rs.1,09,970 allotted for free distribution of cloths and blankets to the destitute n the district.

			1942-43.	1943-44.
			Rs.	Rs.
(c)	Sadar	..	10,909	3,21,657
	Goalundo	..	16,000	3,21,995
	Madaripur	..	4,000	5,06,154
	Gopalganj	..	75	1,43,500
			30,984	12,93,216

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state, with reference to answer (c), under what item this sum of Rs. 12,93,216 has been distributed in the district of Faridpur?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice.

Starred Question No. 347.

(As soon as Starred Question No. 347 was called.)

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, this is the first time that I know that this question is due for reply today, and may I request you that the question be held over?

Dr. NALINAKSHA SANYAL: Sir, we do not agree to the postponement of this short notice question. It is a very important question: it relates to three professors of a college who have been most wantonly treated in a manner which is atrocious.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, as I have to go through the file, I would request again that the question be held over.

Mr. SPEAKER: Let the question be held over for the present.

(Accordingly the question was held over.)

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Publication of results of Primary Final Examination.

166. Khan Bahadur JASIMUDDIN AHMED: (*a*) Is the Hon'ble Minister in charge of the Education Department aware of the fact—

(*i*) that the admission of the successful candidates of primary examination into secondary schools and that of unsuccessful candidates who commence study in class IV is delayed owing to the delay in publication of results of the Primary Final Examination; and

(*ii*) that the results of 24-Parganas district have not yet been published?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, the Government propose to take in the matter?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*)(*i*) No.

(*ii*) The results were sent to the Press by the middle of January, and published in the *Calcutta Gazette* in the middle of February, 1944.

(*b*) Does not arise.

Arrangement for treatment of sick children in Calcutta Medical College and other hospitals.

167. Mr. JOGESH CHANDRA GUPTA: (*a*) Is the Hon'ble Minister in charge of the Public Health (Medical) Department aware—

(*i*) that there is no separate arrangement for the treatment of sick children in the Calcutta Medical College and other hospitals;

(*ii*) that mothers with the sick children find it difficult to get even outdoor treatment for their children due to congestion of other adult patients both male and female in the outdoor department;

(*iii*) that there is a pressing demand for better arrangement of sick children;

(*iv*) that in all civilised countries good deal of money and attention are devoted for the most up-to-date treatment of children's diseases; and

(*v*) that there has been a good deal of criticism in the public press about the inadequacy of the existing arrangements for treatment of children and the desirability of making suitable provision for an up-to-date and improved system under competent experts for treatment of children's diseases?

(*b*) If the answer to (*a*)(*v*) is in the affirmative, what steps do Government propose to take in the matter and within what time?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*)(*i*) There are separate wards for children in the Calcutta Medical College Hospital and in the Campbell Hospital.

(*ii*) Government have no information: but enquiries will be made into this.

(*iii*) Yes.

(*iv*) Government have no information.

(*v*) and (*b*) Government are not aware of any criticism in the Press; but there is a scheme under consideration of Government for starting a separate Children's Department in the Medical College Hospital which will be proceeded with as soon as normal conditions return.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state what arrangements have been made recently for opening a children's ward in the Calcutta Medical College?

Khan Sahib HAMIDUDDIN AHMAD: There is no special arrangement but the children are being put under a special doctor, a doctor especially trained in the children's diseases.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if it is the same or similar attempt, to place an ordinary Surgeon-in-charge of venereal diseases with no special training, which has been followed in this case that an ordinary medical-man without any special training in children's diseases has been placed in charge of that section?

Khan Sahib HAMIDUDDIN AHMAD: I submit, Sir, that question does not arise.

Mr. SPEAKER: Dr. Sanyal, the first part of your question does not arise.

Dr. NALINAKSHA SANYAL: I want to bring in that portion, Sir. Dr. Sourin Ghosh, who is admittedly a Surgeon with no special training in venereal diseases, has been placed in charge of that section. I want to know if this is also a similar attempt to extend patronage to party sycophants or there is any real attempt to place any specialist in charge.

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Sir, it is an important question relating to life and death.

Mr. SPEAKER: The earlier part of the question does not arise out of the main question. You can put your question as to whether a properly qualified doctor has been placed in charge of the children's section.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state who has been placed in charge of the children's section of the Medical College Hospitals?

Khan Sahib HAMIDUDDIN AHMAD: Dr. S. N. Sen, an M.R.C.P., having experience in the treatment of children's diseases in a foreign country.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if Government have any information about this so-called Dr. Sen having actually handled any children's cases in any hospital?

Khan Sahib HAMIDUDDIN AHMAD: I have already said that he has had special training in children's diseases in a foreign country.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state in which foreign country and in which hospital he has had the training?

Khan Sahib HAMIDUDDIN AHMAD: In England. About the hospital, I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state whether any attempt had been made to appoint a proper specialist by either advertisement or selection or otherwise?

Khan Sahib HAMIDUDDIN AHMAD: He has been temporarily placed in charge. When the question of permanently filling up the post will arise, the post will be advertised.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if he is aware that there is a great demand for opening a separate children's ward for some time past?

Khan Sahib HAMIDUDDIN AHMAD: Yes.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the present position regarding the setting up of a special children's ward in the Calcutta Medical College?

Khan Sahib HAMIDUDDIN AHMAD: As soon as financial position will allow, Government has in contemplation to open a special children's ward in the Calcutta Medical College.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that there are certain generous persons prepared to place at the disposal of Government several lakhs of rupees for setting up a special children's ward?

Khan Sahib HAMIDUDDIN AHMAD: We are not aware of it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government had had previously any such offer either directly or through the Surgeon-General?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether they think it desirable that a sum out of the sum granted by the Government of India for health in this province should be set apart for children's diseases?

Khan Sahib HAMIDUDDIN AHMAD: Government will consider the matter.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government are aware of a special organisation already existing in Calcutta which looks after the special treatment and arrangements for treatment in hospitals of children?

Khan Sahib HAMIDUDDIN AHMAD: Government is not aware of any such special organisation.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that already there are a few specialists in children's diseases alone who practise in Calcutta in children's diseases and no other disease?

Khan Sahib HAMIDUDDIN AHMAD: There may be.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the person placed in charge of the Calcutta Medical College Children's Section is one of those medical practitioners in Calcutta who are reputed to be concerned in and dealing only with children's diseases?

Khan Sahib HAMIDUDDIN AHMAD: The person who is in charge of the children's ward at present is a specialist in children's diseases—I have already stated that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he has any clinic in Calcutta dealing with children's diseases only?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government are aware that this Dr. Sen has never had any experience in children's diseases?

Khan Sahib HAMIDUDDIN AHMAD: It is not a fact that he has no experience.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state on what basis he asserts that Dr. Sen has had ever children's diseases handled?

Khan Sahib HAMIDUDDIN AHMAD: The Surgeon-General recommended his case.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if from his files he can find out any reputed hospital where Dr. Sen was attached and where he actually handled any children's cases?

Khan Sahib HAMIDUDDIN AHMAD: I have already asked for notice whether Dr. Sen had any experience in any hospital previously.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that Dr. Sen himself in his application to the Medical College never mentioned that he ever handled children's diseases?

Khan Sahib HAMIDUDDIN AHMAD: It is not a fact.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government would be in a position to produce his application to find out whether the statement made by him is correct or otherwise?

Khan Sahib HAMIDUDDIN AHMAD: No, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Dr. Sen is one of those sycophant doctors just like Dr. Sourin

those who never having any experience or special knowledge of venereal diseases was placed in charge of the veneral diseases?

Khan Sahib HAMIDUDDIN AHMAD: Sir, he is repeating the same question over and over again.

Mr. SPEAKER: I do not allow that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether this Dr. Sen who had no experience or special training in children's diseases is one of those sycophant medical men?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think, Sir, you should not allow such a question.

Mr. SPEAKER: I disallow that question.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to quote from the petition of Dr. Sen to show that he had experience in children's diseases?

Khan Sahib HAMIDUDDIN AHMAD: I have already answered that question.

Chief Engineer, Public Health and Local Self-Government Department.

168. Mr. ASHUTOSH LAHIRI: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact—

(*i*) that the post of the Chief Engineer of the department has been advertised;

(*ii*) that persons holding substantive appointments in the department have been debarred from applying; and

(*iii*) that the post has been so long filled up by promotion from the department?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the claim of the next seniormost officer of the department was considered for promotion?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: (*a*)(*i*) and *ii*) Yes.

(*iii*) Not always.

(*b*) The next seniormost officer of the department has recently been promoted to the post of Chief Engineer.

Grant of family allowance to security prisoner Mr. Saral Kumar Sen.

469. Babu KHAGENDRA NATH DAS GUPTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether any monthly family allowance has been granted to Mr. Saral Kumar Sen of Dacca now kept in detention as a security prisoner in the Midnapore Central Jail?

(*b*) If the answer to (*a*) is in the negative, is the Hon'ble Minister aware—

(*i*) that the security prisoner has got his wife, his children, and other dependants to maintain; and

(*ii*) that his family is now in great distress as one of his brothers, who was the main earning member of his family died just before his arrest and his father too, died when he was in jail?

(*c*) Is the Hon'ble Minister considering the desirability of granting him a suitable family allowance?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) An allowance of Rs. 53 per month is now being given to the security prisoner for the maintenance of his family.

(*b*) and (*c*) Do not arise.

STARRED QUESTIONS

(to which oral answers were given)

Number of union boards of certain subdivisions of Midnapore district.

***348. Dr. GOBINDA CHANDRA BHOWMIK:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) the number of unions in (1) Tamluk, (2) Contai, (3) Sadar, (4) Ghatal and (5) Jhargram subdivisions of Midnapore; and

(*ii*) how many union boards are functioning in (1) Tamluk, (2) Contai, (3) Ghatal, (4) Sadar, and (5) Jhargram subdivisions now?

(*b*) Will the Hon'ble Minister be pleased to state whether all local boards in the district have been abolished?

(*c*) If so, will the Hon'ble Minister be pleased to state whether union boards or union panchayets were consulted before the abolition of local boards?

(*d*) Will the Hon'ble Minister be pleased to state whether it is a fact that present district board has been functioning for more than 12 years?

(*e*) If the answer to (*d*) is in the affirmative, will he be pleased to state whether it is a fact—

(*i*) that members of the abolished local boards have elected members to the district boards; and

(*ii*) that the new district board is not yet functioning?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason therefor?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*)(*i*)—

(1) Tamluk	76
(2) Contai	82
(3) Sadar	162
(4) Ghatal	28
(5) Jhargram	72

(*ii*)—

(1) Tamluk	24
(2) Contai	25
(3) Ghatal	14
(4) Sadar	59
(5) Jhargram	Nil

(*b*) and (*e*) Yes.

(*c*) No.

(*d*) It was last reconstituted in January, 1934.

(*f*) Because the reconstitution of Jhargram local board, which had been unavoidably delayed after the reconstitution of the other four local boards in 1939 was followed by an election dispute and an illegal meeting for election of chairman. Before Jhargram local board had elected delegates to district board, other local boards were superseded and in January, 1944, all local boards in Midnapore district were abolished. A scheme for delimitation of constituencies for direct election is now under preparation.

Outbreak of malaria in epidemic form in Tippera district.

*349. **Mr. DHIRENDRA NATH DATTA:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that there was an outbreak of malaria in epidemic form in the year 1943 throughout the district of Tippera?

(*b*) If so, will the Government be pleased to state what percentage of population had been affected by malaria?

(*c*) Will the Government be pleased to state how many people had died of malaria in the district of Tippera in 1943 (the figures to be shown separately for each thana)?

(*d*) Was there any free distribution of quinine for combating the ravages of malaria?

(*e*) If so, what was the quantity distributed in 1943 (the amount to be shown separately for each thana)?

(*f*) Will the Hon'ble Minister be pleased to state what is the agency through which the quinine is supplied?

(*g*) Will the Hon'ble Minister be pleased to state—

(*i*) what is the quantity of the quinine sold in 1943 in each thana of the district of Tippera; and

(*ii*) through which agency it was sold?

(*h*) Are the Government considering the desirability of opening at least one quinine distributing medical centre for each union to supply quinine to the diseased people of the union with the help of reliable non-official people of the union and through *bona fide* non-official organisations?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) and (*d*) Yes.

(*b*) Not possible to say: may be 25 per cent. at the rate of 10 attacks to one death

(*c*) and (*e*) Statements are laid on the Library Table.

(*f*) Touring officials, dispensaries and treatment centres, sanitary inspectors and health assistants, food committees, school masters, and reliable gentlemen and union boards.

(*g*) (*i*) A statement is laid on the Library Table. No account was kept of quantities sold in each thana.

(*ii*) The district board and retail dealers selected by District Magistrate, principally the latter.

(*h*) In areas where malaria epidemic is severe Government will arrange for at least one centre per union.

Dr. NALINAKSHA SANYAL: With reference to the figures laid on the library table, will the Hon'ble Minister be pleased to state what is his source of figure of malaria death?

Khan Sahib HAMIDUDDIN AHMAD: The source is hospital figures as well as figures secured from the chaukidar's report.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how is it that the figures published in the Monthly Vital Statistics differ from the total of the weekly figures by nearly 50 per cent. and more, the monthly figures being usually higher than the weekly figures?

Khan Sahib HAMIDUDDIN AHMAD: I am not aware of any such difference.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the total figures of deaths from malaria in the two years 1942 and 1943 are 4,265,073 in 1942 and 6,743,030 in 1943?

Khan Sahib HAMIDUDDIN AHMAD: *These are the figures of* malaria deaths for the whole province of Bengal.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what arrangements have been made to check up the figures given by the sanitary staff and figures obtained from Union Board staff collecting the vital statistics figures?

Khan Sahib HAMIDUDDIN AHMAD: The chaukidars generally supply figures to the sanitary staff through whom the District Boards get those figures.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the death figures relate only to such deaths as have been actually treated by the sanitary staff of the district?

Khan Sahib HAMIDUDDIN AHMAD: Not necessarily.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that in reporting the figures the sanitary staff take into account only such death figures as occur out of the number of patients handled by them?

Khan Sahib HAMIDUDDIN AHMAD: No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that in the figures of November and December of cholera deaths, let us take for instance, which amount to 72,000 in the whole of the province reported in the weekly epidemic reports for November and December, the corresponding figure published in the monthly figures subsequently come up to nearly 50 per cent. more of the original statement?

Khan Sahib HAMIDUDDIN AHMAD: The figures are not before me. I cannot answer that off-hand.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether he has seen from the papers that malaria has broken out in epidemic form in the Chandpur subdivision?

Khan Sahib HAMIDUDDIN AHMAD: I have not seen.

Mr. SHAHEDALI: Is the Hon'ble Minister aware that representation has been sent to Government from the Matlab police-station that Malaria has broken out in epidemic form?

Khan Sahib HAMIDUDDIN AHMAD: It may be. Government is not yet aware of it.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether Government will make enquiries from the Subdivisional Officer, Chandpur, and make proper arrangements to check malaria?

Khan Sahib HAMIDUDDIN AHMAD: Certainly; when the matter will be reported to Government, they will take every possible step.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us what number of patients can be cured by one pound of quinine?

Mr. SPEAKER: That question does not arise.

Sj. MANINDRA BHUSAN SINHA: Will the Hon'ble Minister be pleased to state what quantity of quinine was administered to the malaria patients *per capita*?

Mr. SPEAKER: That question does not arise.

Sj. MANINDRA BHUSAN SINHA: Sir, he says that quinine was distributed. I want to know what quantity of quinine was distributed in each case to the patient who is suffering from malaria?

Khan Sahib HAMIDUDDIN AHMAD: I cannot say that off-hand. I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the number of reported attacks from malaria in the Tippera district since the last report was submitted, because the library table does not deal with the present position and if Government have any further report of the position regarding epidemic of malaria in the district of Tippera now?

Khan Sahib HAMIDDUDDIN AHMAD: Government cannot supply the figure of attacks of malaria, because all the attacks are not properly recorded.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what arrangements Government propose to make to find out how much quinine is required if the number of attacks of persons affected by malaria is not ascertained?

Mr. SPEAKER: That is an argumentative question.

Dr. NALINAKSHA SANYAL: Sir, my question is what machinery Government have devised to find out the requirement of quinine in a particular area, if the average number of persons suffering from malaria is not ascertained.

Mr. SPEAKER: You want to know whether Government has got any machinery to ascertain the requirement of quinine?

Dr. NALINAKSHA SANYAL: Yes, Sir.

Khan Sahib HAMIDUDDIN AHMAD: They have sanitary staff under the district boards to make the requisite enquiry for a particular area and this report comes through the respective district health officer.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that one pound of quinine can cure hundred patients only?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government receives any statement of the number of patients treated or registered for treatment in the different dispensaries and the district boards and in hospitals?

Khan Sahib HAMIDUDDIN AHMAD: Yes.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister find out or be pleased to give us an idea of the total number of such reported and registered cases in dispensaries and hospitals of the area concerned?

Mr. SPEAKER: That question does not arise.

Appointment of temporary collection clerks in khas mahal, Bakarganj Collectorate.

***350. Mr. UPENDRA NATH EDBAR:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the Table a statement showing separately for each of the years 1942, 1943 and 1944—

(*i*) the number of temporary collection clerks appointed in the *khas mahal* under the Bakarganj Collectorate; and

(*ii*) the number of them belonging to (1) Caste Hindu, (2) Scheduled Caste, and (3) Muslim community?

(*b*) Will the Hon'ble Minister be pleased to state whether the Communal Ratio Rules applicable to public service have been compiled with in the above cases?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reasons thereof?

(*d*) Will the Hon'ble Minister be pleased to state separately—

(*i*) the number of applications for the said posts in 1942, 1943 and 1944; and

(*ii*) the number of them that are (1) Caste Hindus, (2) Scheduled Castes, and (3) Muslims in each of the three years?

(*e*) Is the Hon'ble Minister considering the desirability of enforcing the Communal Ratio Rules in public services?

The Hon'ble Mr. TARAK NATH MUKERJEA:

	1942.	1943.	1944.
(*a*) (*i*)	44	44	50
(*ii*) Caste Hindus ..	16	16	18
Scheduled Castes ..	6	6	7
Muslims ..	22	22	25

(*b*) Yes.

(*c*) and (*e*) Do not arise.

	1942.	1943.	1944.
(*d*) (*i*)	57	nil	58
(*ii*) Caste Hindus ..	25	nil	32
Scheduled Castes ..	12	nil	5
Muslims ..	20	nil	21

Grant-in-aid of P. K. College, Contai.

***351. Mr. ISWAR CHANDRA MAL:** (*a*) With reference to the reply given to starred questions Nos. 166 and 65 on 17th March, and 24th September, 1943, respectively, will the Hon'ble Minister in charge of the Education Department be pleased to state whether the grant-in-aid of the P. K. College, Contai, has since been restored?

(*b*) If the reply to (*a*) is in the negative, will the Hon'ble Minister be pleased to state whether he is considering the desirability of restoring the grant-in-aid to the college?

(*c*) Will the Hon'ble Minister be pleased to state whether the District Magistrate has submitted his "observations" to the Government after Hon'ble Minister's replies as referred to in starred questions stated above?

(*d*) If not, will the Hon'ble Minister be pleased to state the reasons thereof?

(*e*) Will the Hon'ble Minister be also pleased to state the reasons why the District Magistrate could not submit his observation even before September, 1943, when the reply to starred question No. 65 of date 24th September, 1943, was given?

(*f*) Will the Hon'ble Minister be pleased to state whether—

(*i*) any other Government college or any private college enjoying the Government grant-in-aid took part in the "Civil Disobedience Movement" as referred to in the reply to the above mentioned starred question; and

(*ii*) any other Government college or any private college enjoying the Government grant-in-aid went on strike after 8th August, 1942, on any political grounds?

(*g*) If the reply to (*f*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether such college or colleges were penalised by temporary withdrawal of grant-in-aids;

(*ii*) if so, the name of such college or colleges; and

(*iii*) if not, will the Hon'ble Minister be pleased to state the reasons thereof?

(*h*) Will the Hon'ble Minister be pleased to state whether the managing authority of the P. K. College has made any application for the enhancement of the grant-in-aid?

(*i*) If the reply to (*h*) is in the affirmative, will the Hon'ble Minister be pleased to state the steps taken or proposed to be taken on the application?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) No. I may add that question No. 166 of 17th March, 1943, and No. 65 of the 24th September, 1943, are not different ones. The former, though included in the agenda for the day remained unanswered during that session and in the following session it was renumbered 65 and replied to on 24th September, 1943.

(*b*) The grant cannot be restored without the recommendation of the District Magistrate.

(*c*) Yes, he is not in favour of the restoration of the grant at present.

(*d*) and (*g*) Do not arise.

(*e*) The matter was under his observation. Obviously he wanted to make sure of the position.

(*f*) (*i*) Not within the knowledge of the department.

(*ii*) No.

(*h*) Yes.

(*i*) Does not arise until the original grant (Rs. 250 per month) of the college is restored.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why the District Magistrate is not in favour of restoration of the grant?

The Hon'ble Mr. TAMIZUDDIN KHAN: Because he thinks that the attitude of the college has not changed.

Dr. NALINAKSHA SANYAL: May I know what attitude is referred to?

The Hon'ble Mr. TAMIZUDDIN KHAN: The original attitude for which the grant was stopped.

Dr. NALINAKSHA SANYAL: What was the original attitude?

The Hon'ble Mr. TAMIZUDDIN KHAN: I refer the honourable member to the previous questions and previous answers.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if that attitude referred to any thing that happened after August, 1942, or before?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have nothing further to add on that point.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government are aware that the District Magistrate wanted the college authorities to retain two teachers of his nomination in the staff of the college, which the college authorities failed to accept by a majority in the governing body, and as a result the District Magistrate was annoyed?

The Hon'ble Mr. TAMIZUDDIN KHAN: Government is not aware of that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that two Professors of the college supposed to be acting as spies of the Government were found not sufficiently deserving to be retained on the staff of the college and were asked to resign and the Magistrat got annoyed as a result of that and the grant was stopped?

Mr. SPEAKER: Dr. Sanyal, you have put so many things in one question.

Dr. NALINAKSHA SANYAL: Sir, I have asked whether two Professors acting as spies——

Mr. SPEAKER: That is another matter. You first ask whether it is a fact that two Professors were asked to resign.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government are aware that a difference between the District Magistrate and the governing body of the college arose out of a decision of the governing body of the college asking two Professors of the college to resign?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that these two Professors actually approached the University of Calcutta as well as the Department of the Government to represent their case for reinstatement and a special committee was formed to go into the case including the Director of Public Instruction and they found that they had no case at all?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am not aware of it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is in a position to state what exactly was the reason for the District Magistrate recommending withholding of the grant?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have already referred my honourable friend to the previous questions and previous answers.

Dr. NALINAKSHA SANYAL: Because you do not know. Will the Hon'ble Minister be pleased to state whether the District Magistrate has received any instructions to commandeer the appointment of particular persons in the college and to withhold grants or to recommend withholding of grants only on such grounds?

(No answer.)

Dr. SYAMAPRASAD MOOKERJEE: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether there is any rule in the Education Code which requires that there must be a recommendation from the District Magistrate before a grant can be made to a non-Government College?

The Hon'ble Mr. TAMIZUDDIN KHAN: Whether there is any rule or not, Government thought it fit that the grant should not be restored unless the District Magistrate reported to that effect.

Dr. SYAMAPRASAD MOOKERJEE: Will the Hon'ble Minister be pleased to state if he has himself looked into the case and has satisfied himself that there is justification for the withholding of the grant?

The Hon'ble Mr. TAMIZUDDIN KHAN: Government depended on the report of the District Magistrate in this matter.

Dr. SYAMAPRASAD MOOKERJEE: Is the Hon'ble Minister aware that Contai is a highly distressed area and on account of the pecuniary difficulties of the students reading in that college, the college is finding it impossible to impart education to the boys?

The Hon'ble Mr. TAMIZUDDIN KHAN: That may be so.

Dr. SYAMAPRASAD MOOKERJEE: Is the Hon'ble Minister aware that there is a grant sanctioned by the Government of Bengal for distribution to non-Government colleges through the University?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, I am aware.

Dr. SYAMAPRASAD MOOKERJEE: Is the Hon'ble Minister aware that a recommendation was made by the University of which the Director of Public Instruction is an *ex-officio* member to the effect that a lump grant should be made to that college and that the Hon'ble Minister has accepted that recommendation?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am not aware of that.

Dr. SYAMAPRASAD MOOKERJEE: Will the Hon'ble Minister be pleased to satisfy himself as to how his answer is consistent with the fact that he has made a grant to this college on the recommendation of the University in one case and refused the recurring grant on the recommendation of the District Magistrate on the other?

The Hon'ble Mr. TAMIZUDDIN KHAN: If that was a fact I think the department must have drawn my attention to that. That has not been done.

Mr. ATUL KRISHNA GHOSE: With reference to answer (*a*), will the Hon'ble Minister be pleased to state what are the reasons and arguments that the District Magistrate placed before the Government to withhold the grant?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have already replied to that question.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to consider the desirability of placing on the Library Table the report of the District Magistrate upon which the Government decided to withhold the grant?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir. That is confidential.

(The next question was called.)

Dr. NALINAKSHA SANYAL: I am already on my legs.

Mr. SPEAKER: Yes, you may put your supplementary question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if this Government has issued any instructions to the District authorities to withhold the grant or recommend withholding of grants to educational institutions like this college and also other colleges regarding which there is a short notice question if such institutions did not comply with the political requirements or party politics of this Government?

Mr. SPEAKER: That question does not arise.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I draw your attention to the fact that you have already called the next question and an honourable member was going to put a supplementary question?

Dr. NALINAKSHA SANYAL: The Speaker of the House ought to know better than the Hon'ble Leader of the House.

Will the Hon'ble Minister be pleased to state if the District Magistrate of Midnapore has been given by the present Government any instructions that he should satisfy himself about the political inclinations of the students or teachers of an educational institution before they recommend any grant to such an institution?

The Hon'ble Mr. TAMIZUDDIN KHAN: This grant was stopped during the regime of the previous Ministry and I do not know whether the previous Ministry issued any such instructions. So far this Government is concerned I am not aware of any such instructions being issued.

UNSTARRED QUESTION

(answer to which was laid on the table)

Meetings of District Boards and Public Health Committees and attendance of Civil Surgeons.

170. **Khan Bahadur JASIMUDDIN AHMED:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) the number of meetings of district boards and public health committees held during the last 2 years; and

(*b*) the percentage of attendance of Civil Surgeons during the same period in the meetings of each district board where the Civil Surgeon is a member and the public health committees of every district board?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: A statement is laid on the Library Table.

Khan Bahadur HAJI BADI AHMED CHAUDHURY: আমি জানিতে চাই আমাদের চট্টগ্রাম জেলায় গত দুই বৎসরে ডিষ্ট্রীক্ট বোর্ডের মিটিংএর কয়টাতে সিভিল সার্জন উপস্থিত ছিলেন?

Mr. SPEAKER: আপনার প্রশ্ন বুঝতে পারছি না, আপনি দয়া কোরে মাইক্রোফোনের কাছে যান।

Khan Bahadur HAJI BADI AHMED CHAUDHURY: আমি জিজ্ঞাসা করিতেছি question (*a*) এবং (*b*) প্রশ্ন সম্বন্ধে চট্টগ্রাম জেলায় ডিষ্ট্রীক্ট বোর্ডের কয়টা মিটিং হয়েছে এবং সিভিল সার্জন কয়টা মিটিংএ উপস্থিত ছিলেন।

Mr. SPEAKER: I could not follow. এখানে সে প্রশ্ন উঠে না। লাইব্রেরী টেবিলে যে statement দেওয়া আছে, তাতেই রয়েছে।

Khan Bahadur HAJI BADI AHMED CHAUDHURY: মিনিষ্টার মহোদয় ৫টা প্রশ্নের জবাব এক সঙ্গে গোপনে লাইব্রেরীতে লুকাইয়া দিয়াছেন, এরূপ করা হাউসের মেম্বরদিগকে উত্তর না দেওয়ারই উপায় স্বরূপ নহে কি?

Mr. SPEAKER: সেটা আইন অনুসারেই করা হয়ে থাকে।

Khan Bahadur HAJI BADI AHMED CHAUDHURY: আইন শুধু এই ডিপার্টমেণ্টেই এরূপ হয় কেন?

Mr. SPEAKER: খান বাহাদুর সাহেব, আপনার আর কোন বিষয়ে যদি প্রশ্ন করার না থাকে তাহলে দয়া করে বসুন।

Mr. Shah SYED GOLAM SARWAR HOSAINI: On a point of privilege, Sir. খান বাহাদুর হাজি বদি আহমদ চৌধুরী যে প্রশ্ন করেছিলেন এবং যে উত্তর

চেয়েছিলেন—অবশ্য তিনি মনোভাব প্রকাশ করেছেন চট্টগ্রামের ভাষায়, সে ভাষা হয়ত সকলে বুঝতে পারেন না,—তিনি জানতে চেয়েছেন যা তার উত্তর দেওয়া উচিত।

Mr. SPEAKER : তার উত্তর দেওয়া আছে।

Mr. Shah SYED GOLAM SARWAR HOSAINI : Sir, library tableএর কথা উল্লেখ না করে মন্ত্রী মহাশয় উঠে জবাবটা দিলেই জনসাধারণের প্রতিনিধির মর্য্যাদা রক্ষা হত।

Mr. SPEAKER : আপনার একথা আমি বুঝতে পারছি না। আমার কর্ত্তব্য হচ্ছে যে প্রশ্ন করা হয় সেটা ঠিক প্রশ্ন কি না দেখা ; এবং তার উত্তর দেওয়া হলে, অন্য প্রশ্ন করতে দেওয়া। খান বাহাদুর প্রশ্ন করেছেন library tableএ যে statement দেওয়া হয়েছে সেটা গোপনে রাখা হয়েছে কি না হয়েছে। লাইব্রেরী টেবিলে যা দেওয়া হয় সে সম্বন্ধে আইন বে-আইনের প্রশ্ন উঠে না।

STARRED QUESTIONS

(to which oral answers were given)

(As soon as Starred Question No. 352 was called.)

Khan Bahadur MOHAMMED ALI: Sir, with your permission I would like to slightly amend the answer (*b*).

Mr. SPEAKER: Yes, you can do that.

Cases of security prisoners for consideration before the Tribunal.

***352. Mr. P. BANERJI:** (*a*) Will the Hon'ble Minister in charge of Home Department be pleased to state—

(*i*) the number of cases of security prisoners that have so far been placed before the Tribunal for consideration;

(*ii*) the number of cases ordered to be released by the Tribunal;

(*iii*) the number of cases that were not released in spite of the order of the Tribunal;

(*iv*) the number still detained in prison;

(*v*) the number restricted under rule 26 of the Defence of India Rules;

(*vi*) the number of cases where allowance has been refused; and

(*vii*) whether family allowance is being given in every case?

(*b*) If the answer to (*a*) (*vii*) is in the negative, will the Hon'ble Minister be pleased to state the reason for the same?

***Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin):** (*a*) (*i*) 374.

(*ii*) and (*iii*) I am unable to reply in public interest.

(*iv*) 1,274 on 28th April, 1944.

(*v*) 3,511 on 30th April, 1944.

(*vi*) The number is not readily available and is indefinite as family allowances are sometimes granted on reconsideration in the light of changed circumstances.

(*vii*) No.

(*b*) Since the formation of the present Ministry the grant of family allowances has been liberalised and they are now more freely granted not only in the case of proved and absolute necessity but, to a reasonable extent, also in the cases in which the detention of the prisoner has resulted in a loss

of legitimate income to his family and dependents. All cases in which allowance had been previously granted have been reviewed in the light of the more liberalised policy and the abnormal increase in the cost of living. Subject to the limitation that the allowance should not exceed the prisoner's ascertained pre-arrest income the allowances in appropriate cases have been increased. Suitable allowance has also been sanctioned in a number of cases in which they had previously been refused. Every case, new or old, in which it is proposed to reject the application for grant or enhancement of the family allowance is sumbitted to the Hon'ble Home Minister for orders. The total number of cases reviewed exceeds 1,350.

Mr. P. BANERJI: With reference to answer (*a*) (*i*) Will the Hon'ble Minister be pleased to state how many of the 374 security prisoners have been released?

Mr. SANTOSH KUMAR BASU: Sir, before an answer is given, may I suggest that this question be held over because the Parliamentary Secretary has given a reply even a portion of which does not find place in the printed answer. It is very difficult to put supplementary questions without the answer just now given being placed before the members of the House.

Mr. SPEAKER: I do not think, there can be any objection to that. But may I know when you want this question to come up again? Do you want it to be printed and distributed?

Mr. SANTOSH KUMAR BASU: Yes, Sir, and at the earliest possible opportunity.

(The question was accordingly held over).

(At this stage the House was adjourned for fifteen minutes for prayer.)

(After adjournment.)

Amount sanctioned by Government for relief in Tippera.

***353. Mr. JACAT CHANDRA MANDAL:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(i) that the total amount of money sanctioned as—

(A) agricultural loan,
(B) gratuitous relief, and
(C) test works

during March, 1943, to March, 1944, for the district of Tippera; and

(*ii*) the amount that has been given to the—

(A) Muslims,
(B) Caste Hindus, and
(C) Scheduled Castes?

(*b*) Is it a fact—

(*i*) that in administering relief, the cause of the Scheduled Castes and other minority communities has been neglected; and

(*ii*) that there is no representation of the Scheduled Castes and other minority communities in the relief committees?

The Hon'ble Mr. TARAK NATH MUKERJEA: (*a*) (*i*)—

(A) Rs. 20,000.
(B) Rs. 7,00,835.
(C) Rs. 6,18,000.

(*ii*) No separate accounts were maintained on a communal basis. Relief was distributed to deserving persons of all communities according to priority lists.

(*b*) No.

Short Notice question.

Dr. NALINAKSHA SANYAL: There is a short notice question, No. *347.

Mr. DEPUTY SPEAKER: Dr. Sanyal, it is desirable to hold over that particular question.

Dr. NALINAKSHA SANYAL: Sir, let the Minister seek your permission. He said that he would answer the question in the latter part of the day.

Mr. DEPUTY SPEAKER: I have already been requested by leaders to hold over that question.

Dr. NALINAKSHA SANYAL: I have heard no suggestion from any leader. We would like to have this question.

Khan Bahadur MOHAMMED ALI: Mr. Deputy Speaker has given a ruling that this question be held over.

Dr. NALINAKSHA SANYAL: This is a very important question relating to the Government order for the removal of Professors from the staff of a college

(Loud noise from Government benches.)

Mr. DEPUTY SPEAKER: Order, order. Well, Dr. Sanyal, the question is very important and leaders of different parties have requested me to hold over that question. I have given them an assurance that the question will be taken up on the next available date. The question is held over, and I am sure it will be taken up on Monday.

Dr. NALINAKSHA SANYAL: Sir, may I know which leader has requested you?

Mr. DEPUTY SPEAKER: I can name only one: it is Dr. Syamaprasad Mookerjee.

Dr. NALINAKSHA SANYAL: So that it is not true that all leaders asked you.

Mr. DEPUTY SPEAKER: I have already said most of the leaders requested me.

Dr. NALINAKSHA SANYAL: Which other leaders, Sir?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, why do you allow yourself to be cross-examined?

Dr. NALINAKSHA SANYAL: Because he was not telling the truth.

Khan Bahadur MOHAMMED ALI: This is an aspersion on the Chair, and Dr. Sanyal must withdraw the expression.

Mr. DEPUTY SPEAKER: Dr. Sanyal, if you have said so, I would request you to withdraw that expression.

Dr. NALINAKSHA SANYAL: I have made that observation in reply to a certain observation of Government. It is a matter between me and Mr. Suhrawardy. If he withdraws, I have no hesitation in withdrawing. It was not meant for you.

The Hon'ble Mr. H. S. SUHRAWARDY: I would submit what transpired was this. I asked you, Sir, as to why you allowed yourself to be cross-examined. Dr. Sanyal stated because you the Chair were not speaking the truth. I think, Sir, it is a matter of honour of the House and the honourable member must be called upon to withdraw.

Mr. DEPUTY SPEAKER: Well Dr. Sanyal, in view of the statement just made by Mr. Suhrawardy, I am of opinion that it is a reflection on the Chair and I would request you to withdraw that expression.

Dr. NALINAKSHA SANYAL: I had never intended any reflection on the Chair.

Khan Bahadur MOHAMMED ALI: Sir, he must withdraw that expression.

The Hon'ble Mr. H. S. SUHRAWARDY: It is not a question of intention.

The Hon'ble Mr. TAMIZUDDIN KHAN: What he said was that the Chair was not speaking the truth. That is what he said.

Mr. DEPUTY SPEAKER: I request you, Dr. Sanyal, to withdraw that expression.

Dr. NALINAKSHA SANYAL: The expression that Mr. Tamizuddin Khan has used? It is for him to withdraw.

Mr. DEPUTY SPEAKER: No, the expression that you used that the Chair was not speaking the truth.

Dr. NALINAKSHA SANYAL: I have not used the word "Chair". Please look up the proceedings.

Khan Bahadur MOHAMMED ALI: He referred to the Chair "because he was not speaking the truth".

Mr. DEPUTY SPEAKER: I accept his statement. He has said in so many words that he did not use that expression and he did not mean the Chair.

GOVERNMENT BILL.

The Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1944, as passed by the Bengal Legislative Council.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Sir, I beg to move that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1944, as passed by the Bengal Legislative Council be taken into consideration.

Dr. NALINAKSHA SANYAL: Sir, the Bengal Non-Agricultural Tenancy (Temporary Provisions) Bill was passed, as you will notice, in the year of grace 1940 and I suppose much water has flown down the Himalayas since then. There have been Ministers and Ministries and various interests tried to take advantage or suffer disadvantage out of this legislation. We do not know, Sir, what has happened between 1940 and 1944 to stand in the way of Government coming up before the House with a comprehensive piece of legislation which is so urgently and so definitely required for the relief of poor tenants throughout the non-agricultural areas of Bengal. This is the fourth time that we find the Government like the eternal "Ethelred the Unready" coming up before the House at practically the last moment to get further extension for the life of that piece of legislation. We understand that in another few days' time the last extension will expire, and this extension for one year is called for because the Government in spite of their paraphernalia of departments and a number of Ministers—some elder statesmen as well as younger—have failed to draft a suitable Bill up to this time. It is only a few days ago that a Bill has been circulated and this is the Bengal Non-Agricultural Tenancy Bill, 1944. We would welcome Government's attitude if they would show proper enthusiasm to pass that Bill in preference to some of the controversial measures that Government seem to be determined to carry through an unwilling legislature. We really regret the policy that inspires this Government to hold back important, valuable and beneficent measures and to try

to rush other measures which not only are opposed by a large section and considered to be against the best interests of the province but also are likely to take very long time of this House.

The Bengal Non-Agricultural Tenancy Bill of 1944 seeks to extend the period of application of the temporary provisions. Few people probably realise that the continuance of those temporary provisions has practically created a deadlock in many municipalities where land improvement schemes were under contemplation and bustee cleaning has actually come to a standstill. As a result many municipalities are suffering terribly. In my constituency, a similar situation has happened at Khulna and the municipal authorities find it extremely difficult, as you may be personally aware, Sir, knowing Khulna very well, to settle some surplus lands which are lying at the disposal of the municipality. There has been a large influx of population at Khulna and a great demand for building land, but not knowing what would be the provision, what would be the rights and privileges of the municipal organisation, the municipal authorities have to keep quiet and are not in a position to tenant this spare land. In that area also there is some available land which at present is under the control of the railway. By negotiation the municipality was trying to obtain a portion of such railway land which was not wanted by the railway proper for settling tenants but the continuance of the Bengal Non-Agricultural Tenancy (Temporary Provisions) Bill is also standing in the way. Similar experience is reported from Howrah, from Behala, Garden Reach and other suburban municipalities of Calcutta.

I would like the Government to give us a definite idea as to when and by what time they would actually bring forward and pass a comprehensive measure and when our agony for living under the temporary regime of a Non-Agricultural (Temporary Provisions) Act will come to an end.

With these words I welcome the extension for one year only, but I do hope and trust that this will be the last extension.

Maulvi MUHAMMAD ISRAIL: Mr. Deputy Speaker, Sir, but for the statement that has just been made by Dr. Sanyal I would not have intervened in the debate. Dr. Sanyal conveniently forgets that the Non-Agricultural Tenancy Bill was referred to a Select Committee in 1941. The Bill that has just been circulated to us—that Bill could not be passed into law because the Ministry was out of office. A new Ministry came into power in December, 1941. That Ministry remained in office for long 16 months, but they did not take any steps to bring forward any permanent legislation. Twice during their regime they brought in temporary extending Bill and probably Mr. P. N. Banerjee will remember that we have repeatedly, during budget discussions and on other occasions and also when the Temporary Provisions Bill was going to be passed, drew his attention to the fact that this should not be allowed but that permanent legislation should be brought before the House and passed into law to give the poor a relief, but they themselves during their regime twice extended the Bill. Now, Sir, this Ministry came into power on the 24th April, 1943, and after that there was the budget discussion. This is the first time when the Government got an opportunity of bringing this Bill before the House and they have brought it. Not only Dr. Sanyal but our heart also is very anxious and keen to get the Non-Agricultural Tenancy Bill passed on a permanent basis and our demand is that if possible it should be done during this session and I hope and trust that Government will bring it before the legislature as early as possible and get this Bill passed.

The main difficulty with Dr. Sanyal is that he wants everything to get the Secondary Education Bill postponed. He raised this discussion only because he said that this Bill was very urgent, but the most unwanted and controversial Bill is the Secondary Education Bill. That Bill should therefore according to him be dropped and the Non-Agricultural

Tenancy Bill should be taken up. This is something, Sir, to which we object. We think that the Secondary Education Bill is not in any way less imporant. Rather it is much more important than the Non-Agricultural Tenancy Bill. As such we are not at all ready to give up the Secondary Education Bill in preference to the Non-Agricultural Tenancy Permanent Bill. We are as anxious—I think we are more anxious than anybody else—to get this Bill passed. I really wonder where Dr. Sanyal was during the last 16 months when they got this Bill extended twice. He did not open his mouth then, nor did he think it proper or wise to open his mouth. He opens his mouth only when it suits his purpose, and as it suits him now he has opened his mouth. This is the way in which he wants to deceive the people and to misrepresent facts.

With these words, Sir, I want that a Permanent Non-Agricultural Tenancy Bill should be brought before the House as early as possible.

Mr. PRAMATHA NATH BANERJEE: Mr. Deputy Speaker, Sir, I was waiting with anxious interest for the speech that will be delivered by my honourable friend Nawab Musharruff Hossain.

Sir, man proposes and God disposes, and I am now called upon to reply to a statement made by my honourable friend Mr. Israil. I listened to his complimentary statement about me with attention. I hope, Sir, that the dignity of the Chair will not be affected, nor the dignity of the House if I say that I have never taken the zeal of Mr. Israil with great seriousness. My honourable friend says that in addition to the Secondary Education Bill the Bengal Non-Agricultural Tenancy Bill will also have a passage during this session. Sir, the session, I suppose, in that event will have to be extended till Doomsday and now that the general elections are under a ban there is good ground for not extending the life of the session from all points of view—social, political and economic.

Sir, my friend Mr. Israil is not right when he asked "What was Dr. Sanyal doing when we were in the Ministry". Dr. Sanyal was doing then exactly what he has been doing now, namely, leading the Opposition and he made one solid contribution to parliamentary life in this province. He taught the then Opposition how to carry on opposition inside the House.

Sir, the present Bill first saw the light of the day if I remember rightly on the 4th October, 1940, and when I had asked for two extensions of life in one year my honourable friends got very angry. After all, a Bill of this magnitude and character does require very full, very fair and prolonged consideration. I shall await the Hon'ble Minister's speech with interest, but I wonder why the Hon'ble Judicial Minister is dealing with this matter. I have a recollection that this is a matter which pertains to the portfolio of the Hon'ble Revenue Minister. That however is a matter of internal arrangement among the members of the Treasury Benches. If they have decided to allot this task to the Hon'ble Judicial Minister in preference to the Revenue Minister, it is their concern.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: 'Sir, I was not prepared for a speech today. I thought that I would simply ask the House to take the Bill into consideration and the House would certainly not say many things about this matter. But now I see that many matters have cropped up before the House.

Let me now begin with my friend Dr. Sanyal. He has mentioned some cases and pointed out some difficulties that municipalities are now finding in disposing of surplus lands that they possess. In these days when people say that right should be granted to the actual holder of the land, why should now the municipality be another landlord and keep certain right for itself when it can easily part with it as the Calcutta Improvement Trust is parting with it. So my advice to my friends is just to follow the Calcutta Improvement Trust and let the lands out to intending builders of houses (Dr. NALINAKSHA SANYAL: They are not given on charity), and of course there will be some price paid. That being the position I do not believe we

have created any difficulty in the matter. Further, I would ask my friends to consider that in these days when the "have-nots" are numerous and when they want to take away everything from the "haves" it becomes extremely difficult to see that the "have-nots" do not take away everything from the "haves". This is one of the cases of rights over property being given away to the "have-nots". In a case like this you canot get a Bill passed unless it is made acceptable to all sides of the House. My friends, especially Dr. Sanyal, ought to know that a Bill of a comprehensive nature has already been published in the *Calcutta Gazette*. That means that it has been introduced in this House already. Does he not know that?

Dr. NALINAKSHA SANYAL: I have already told you that I have got a copy with me.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: If you have got it it is all right. That shows that Government is not idle. Government has done its duty. Government has already published a Bill which means that the Bill has been introduced in the House. If Dr. Sanyal does not understand the implications of the publication of the Bill, I am helpless. Already the Bill is before the House. Before the new Bill is passed into law some provision has to be made for the intervening period. I hope therefore the House will unanimously agree to the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1944, as passed by the Bengal Legislative Council.

The motion of the Hon'ble Nawab Musharruf Hossain, Khan Bahadur, that the Bengal Non-Agricultual Tenancy (Temporary Provisions) Extending Bill, 1944, as passed by the Bengal Legislative Council be taken into consideration was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill was then put and agreed to

Preamble.

The question that the preamble stand part of the Bill was then put and agreed to.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Sir, I beg to move that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1944, as settled in the Assembly be passed.

The motion of the Hon'ble Nawab Musharruf Hossain, Khan Bahadur, that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1944, as settled in the Assembly be passed was then put and agreed to.

NON-OFFICIAL RESOLUTIONS.

Mr. MIRZA ABDUL HAFIZ: Sir, I beg to move that this Assembly is of opinion that a Committee both of officials and non-officials consisting of members preferably of the Muslim and Scheduled Caste communities be formed to enquire into the manner in which appointments are made according to Communal Ratio Rules and to devise ways and means for the better working of the Communal Ratio Rules in future.

Sir, the original resolution out of which the Communal Ratio Rules were framed and decided upon by the Government of Bengal standing in the name of my honourable friend Mr. Mia Abdul Hafiz, M.L.A., was unanimously passed on the 25th August, 1938, by this Assembly. It runs thus:—

"With a view to give effect to the assurances given by the Hon'ble Chief Minister in the course of the debate on the cut motion moved by Maulvi Tamizuddin Khan (now Hon'ble) on the 10th

March, 1938, regarding the question of fixing a high percentage of appointments of Muslims and Scheduled Castes in public services, this Assembly is of opinion that the following percentages be fixed, viz.,:—

Muslims—60 per cent.,

Scheduled Castes—20 per cent.,

Rest—20 per cent.,

for all appointments in various branches of the Public Services as well as in all civil posts under Government whether temporary or permanent whether made on the basis of full time or part time duty provided that the Government should submit a half yearly report to the Assembly regarding the progress of appointments and the recruitment of the various communities to the various branches of public services and civil appointments showing how far the recommendation of the Assembly has been actually carried into effect with explanation for any lag that may exist between the percentage of appointments recommended and the percentage actually held by or allotted to a community."

The gist of the communiqué, dated the 12th June, 1939, in connection with the above resolution runs as follows:—

(1) The basic percentage of reservation for Muslims in direct recruitment will be 50 per cent. Government have accepted the principle that, provided that qualified candidates are available, 15 per cent. of the appointments by direct recruitment shall be reserved for the Scheduled Castes but such reservation shall not exceed 30 per cent. of non-Muslim direct appointments.

(2) Special consideration will be given to "other communities", for example, Anglo-Indians, Indian Christians and Buddhists.

(3) In selecting individuals already in Government service for promotion from one service to another there can be no quetsion of communal interest and promotions must be made on merit alone with due regard to seniority.

(4) Government have decided that any excess over 50 per cent obtained by non-Muslims in the matter of promotions shall be counter-balanced by additional reservation for Muslims over and above 50 per cent. in direct appointments to that service until parity in that service is reached. This principle of counter-balancing by additional reservation in direct appointments will be applied in the case of non-Muslims in relation to any service in which Muslims may be found to predominate.

(5) The above fixation of percentage will not affect those services which are exclusively reserved for non-Indians.

Mr. Deputy Speaker, Sir, the resolution itself is quite clear and palpable. So far as I remember—the demand of a section of the House on that day was for 70 per cent. for reservation of the vacancies for the Muslims and 25 per cent. for reservation for the Scheduled Castes unless and until the parity is reached. But that was thrown out by the House.

Later on the aforesaid motion demanding reservation of 60 per cent. for Muslims and 20 per cent. for the Scheduled Castes and 20 per cent. for the rest was unanimously passed by the House. But the Government could neither give effect to that resolution nor make any via media by accepting to do it on population basis of 55 per cent. reservation for the Muslims. Later on the Government of Bengal agreed to 50 per cent. reservation of seats for the Muslims and 15 per cent. for the Scheduled Castes in spite of the violent protests of the Muslim and Scheduled Caste members. I am afraid Government has failed in its duty to do even bare justice to the Muslims and Scheduled Castes by not accepting the resolution passed by the House. Far from doing that it is our painful duty to

say that the decision of the Communal Ratio Rules though inadequate and insufficient and though accepted by the Government with respect to the Government services are scarcely practically given effect to, almost in all the departments. Sir, I have told before the House what the Communal Ratio Rules are. Now, Sir, may I ask whether the Communal Ratio Rules have been observed since its inception and whether they are now being properly observed and whether the grievances of the Muslims and Schduled Castes will be vindicated? If not, what are the obstacles that stand in the way and what policy and method should be adopted for the better working of the Communal Ratio Rules in future with respect to appointments, promotion, etc., in the public services and, if necessary, the Communal Ratio Rules are to be modified and given effect to. To find out its solution the present resolution is brought before the House.

Next, Sir, why this principle of Communal Ratio Rules was enunciated and accepted by the Government of Bengal in spite of the vehement opposition of the privileged community, I mean the Caste Hindus? Because, Sir, Government was compelled to do that only to do a bit of justice to the communities suffering for a century and more under the grip of the different people of vested interests. Sir, Bengal is inhabited by the people of different communities, mainly by Hindus consisting of Caste Hindus and Scheduled Castes, Muslims and other minorities, and every one of them have their birth-right to participate in the various functions of the administration and so on for their very existence itself. And so long from time immemorial one particular community was enjoying the usufructs much more in excess than due to their own by keeping all other communities in the background for which they are backward, economically, educationally, politically and also in every other sphere. Later on their eyes were opened by the inauguration of the new constitution in spite of all its defects in 1937 in this country and consequently the Government for the protection of the legitimate rights and interests of the aggrieved communities had to accept the principle of Communal Ratio Rules in services and administration in its various aspects. Government also unreservedly directed at that time that that principle of Communal Ratio Rules should be henceforth strictly followed and observed in all the departments under Government. Besides for that purpose the post of a Communal Ratio Officer was created. But in spite of that fact the Communal Ratio Rules have not been so long and are not being now properly followed and observed. So, Sir, although there is a Communal Ratio Officer and the Communal Ratio Rules stand, violations are found amongst others of the following nature, namely,

(*a*) In the case of recruitment in spite of the qualified candidates 15 per cent. Scheduled Castes and 50 per cent. Muslims are not taken in on some plea or other;

(*b*) The posts reserved for an aggrieved community are kept in abeyance for some years even not to speak of months while the candidates of the privileged community are appointed on the very day fixed for the appointment.

(*c*) The candidates of the aggrieved communities are generally appointed in the posts of minimum scale, not infrequently including the posts of menial staff, namely, peons, *ardalis*, etc., and the Communal Ratio Rules are shown to be observed by including them in calculation.

(*d*) In filling up the posts, temporary or permanent, the candidates of the privileged community are always given preference and in unavoidable circumstances the aggrieved communities get a homeopathic doze.

(*e*) To show the communal ratio parity, the filling up of a temporary vacancy, if made ten times in a year, is shown as if ten persons of a particular community have been given appointments though in the whole staff there may or may not be found one or two of that community.

(*f*) In case of promotions, on some petty or formal pre-concocted grounds the claims of the people of the aggrieved communities are kept in abeyance though they legitimately deserve it.

(*g*) It is also reported that in some of the departments, *e.g.*, I.B., D.I.B., C.I.D., Police, etc., the records are being blackmailed from long before by some communally-minded superior hands of the privileged community with a motive so that they may not stand on the same level with other competitors belonging to their own community at the time of promotion.

(*h*) Posts once reserved for some aggrieved community, such as Muslims or Scheduled Castes, are often dereserved on some plea or other and the candidates of the privileged community are taken.

Dr. NALINAKSHA SANYAL: Sir, what is the time-limit for this speech?

Mr. DEPUTY SPEAKER: 30 minutes.

Khan Bahadur MOHAMMED ALI: Why are you anxious about it?

Dr. NALINAKSHA SANYAL: Because in that case I would also speak for 30 minutes.

Mr. MIRZA ABDUL HAFIZ: As for instance, the post of Malaria Engineer and the posts of Superintendent, Vaccine Laboratory and Superintendent, Vaccine Institute, were created and reserved for Muslims but ultimately dereserved and Hindus taken but, perhaps in the last one a Muhammadan might have been appointed.

(*i*) Expert representation method in the Public Service Commission, while taking interviews of the candidates on one particular subject of science, *e.g.*, Medical, Engineering or any other science subject concerned, creates a great difficulty to the candidates belonging to the aggrieved communities. Some veteran, if he be not the Head of the Department concerned, belonging to the aggrieved community for which the post is reserved should be present in the Public Service Commission and such provision should be made.

As for example, the post of Chief Engineer of the Public Health Department was reserved for the Muslim community and was advertised. The veteran selected by the Government of Bengal to be present in the Public Service Commission at the interview of the candidates was the Chief Engineer (now retired), a Caste Hindu gentleman, who was himself moving heaven and earth for extension. A few days before the date of interview a small bird whispered into our ears that the overjubilant veteran expressed before a limited number of friends that he was determined to see that none of the candidates became fit. It happened so. My suggestion is that a veteran belonging to the community of the candidate or candidates should be present for which the seats are reserved.

Sir, there is a baseless propaganda made by some interested persons of some community that the Muslims want with respect to public services undue advantages and undue favour and for this reason at present more incompetent Muslims than those belonging to other communities are found in the Government services. In this connection they raise the plea of inefficiency and incompetency which they raised also some time back in a deputation to some ex-Governor of Bengal.

The other day perhaps during the budget discussion I heard Mr. David Hendry, the Leader of the European Party, as well as some other friends of his party on some subsequent days emphasizing on the point of efficiency in the case of appointments. I was only a bit surprised to hear the remark but unfortunately we were not given an opportunity to raise our voice in protest. My white friends over there always keep themselves very busy for their business and they scarcely find any time to study and appreciate the real difficulty of once a ruling race surrounded by so many parasites and for whose present plight my white friends' wrong and cowardly

policies are no less responsible. However, Sir, we are also equally anxious for efficient hands and we also want that in the administrative and various other functions efficiency must not suffer. But what we want is that those who can clamour hoarse from the top of the house in Hitlerian falsehood in the name of efficiency may not carry the trophy by their loud voice only.

This is not the time and place to deal with the point in details but before quoting some facts and figures I cite only an instance or two of what efficiency they clamour for:

One gentleman, Mr. G. C. Banerjee, read up to I.A. standard having no engineering knowledge serving as a mechanical supervisor was promoted to the post of Assistant Mechanical Engineer in the Public Health Department during the last Shyama-Huq Ministry and he is serving there still and will do so till he retires and rises higher.

One Assistant Mechanical Engineer (A.R.P. Division) was appointed to the post of the Executive Engineer in the civil line in Public Health and Local Self-Government Department and is still under extension, perhaps for the third time.

Sir, some thousands of such cases and more can be cited.

The other day a prominent leader of the vested interest in the person of no less than Mr. N. R. Sarker, the *ex*-Hon'ble Member of the Viceroy's Executive Council while presiding over a public meeting of the All-Bengal Secondary Education Bill Protest Conference at the Calcutta University Institute on Saturday, May 13, 1944, remarked that—

> "In education maximum qualification and the maximum of efficiency must be the only desideratum. Better must always supersede the good; superior the inferior."

Sir, they seek opportunity and in the case of conflict with other community they press it for any sphere, namely, of administration, technical matters, education, sanitation, science subjects, and so on and so forth, but while there does not arise such communal conflict they do not hesitate for showing nepotism and favouritism. This can be seen from the following facts.

We find as follows in the various Secretariat Departments: -

Out of the total number of 1,100 officers in the permanent category 667 are non-Muslims and 433 Muslims. Of these 667 Hindus 46 per cent. are graduates while of 433 Muslims 48 per cent. are graduates. Of the Hindus 15 per cent. are non-matriculates while of Muslims 10 per cent. are non-matriculates.

Of 261 officers in temporary category there are 152 non-Muslims and 109 Muslims. Of these 152 non-Muslims 46 per cent. are graduates while of 109 Muslims 54 per cent. are graduates, and of the Hindus 15 per cent. are non-matriculates and of the Muslims 7 per cent. are non-matriculates.

In the office of the principal heads of departments attached to Secretariat in permanent cadre out of 1,213 officers 854 non-Muslims of whom 22 per cent. graduates and 30 per cent. non-matrics and 359 Muslims of whom 27 per cent. graduates and 26 per cent. non-matrics. In the temporary cadre out of 190 officers 130 non-Muslims of whom 22 per cent. graduates and 33 per cent. non-matrics and 60 Muslims of whom 31 per cent. graduates and 20 per cent. non-matrics. In the case of non-Muslims the percentage of officers possessing maximum qualifications is 33 per cent. but in the case of Muslim officers those possessing maximum qualifications are 40 per cent. Regarding minimum qualification non-Muslims 24 per cent. possess only the bare minimum qualification and even less but in the case of Muslims only 16 per cent. possess minimum qualification. So we find that the charge against Muslims as inefficient and incompetent is wholly groundless. I am grateful for these facts and figures to our *ex*-Hon'ble Mr. A. K. Fazlul Huq as borrowed from "A Dissertation on Efficiency" by Mr. A. K. Fazlul Huq as Premier.

Sir, I do not know from what time the separate arrangement of education for the European and Anglo-Indian children was made, but I can assure the Leader of the European Group that had it been under the control of our much esteemed Dr. Syamaprasadian coterie, my white friends over there would have to sail on the same boat as we do and would have been able to appreciate the fathomless difficulties.

Sir, today we find Dr. Syamaprasad Mookerjee and his other friends both of the Hindu Mahasabha and Congress to turn their faces in the House to the European Group and to vilify them. But it was not so before. Only a few decades ago they both combined and marched quickly on the interest of the Muslim nation mercilessly. They declared *Zihad* against the Muslims in the spheres of public services besides other spheres also which are still going on. This we find from a statement of Sir W. W. Hunter. He said "In 1869 in the three grades of Government Assistant Engineers, there were 14 Hindus and not one Mussalman, among the apprentices there were 4 Hindus and 2 Englishmen, but not one Mussalman, Among the Sub-Engineers and Supervisors of the Public Works Department there were 24 Hindus to one Mussalman; among the overseers 2 Mussalmans to 63 Hindus. In the offices of Account there were 50 names of Hindus and not one Mussalman; in the Upper Subordinate Department there were 22 Hindus and again not one Mussalman".

We are confronted very often with such facts and figures even now-a-days from the answers of the questions of legislatures and sometimes in the pages of local newspapers as the *Azad*, the *Morning News*, the *Star of India*, and other papers and magazines though not in all.

The very sympathetic noble soul of Hunter goes on saying: "A hundred years ago the Mussalmans monopolised all the important offices of State. The Hindus accepted with thanks such crumbs as their former conquerers dropped from their table and the English were represented by a few factors and clerks. The proportion of the race which a century ago had the monopoly of Government has now fallen to less than 1/23 of the whole administrative body. This too in the gazetted appointments where the distribution of patronage is closely watched. In the less conspicuous office establishments in the Presidency town the exclusion of Mussalmans is even more complete."

About the vanity of superiority of the Hindus, Sir William Hunter goes on saying: "Is it that the Hindus have all along been better men than the Mussalmans and only required a fair field in order to outstrip them in the race or is it that the Mussalmans have so many careers open to them in non-official life, that they are indifferent to Government employment and leave the Hindus to walk over the course. The Hindus have unquestionably a high order of intellect but a universal and immeasurable superiority on the part of the Hindus, such as would be required to explain their monopoly of official preferment, is not known at the present day and is in direct contradiction to their past history. The truth is that when the country passed under our rule, the Mussalmans were the superior race and superior not only in stoutness of heart and strength of arm but power of political organisation and in the science of practical Government. Yet the Muhammadans are now shut out equally from Government employ and from the higher occupations of non-official life."

Such are the grievances in every department. I do not like to multiply cases of such instances. So, Sir, for the solution of the communal problem once for all, to achieve communal harmony on a permanent basis in near future in this country, the Communal Ratio Rules are to be observed strictly to avoid bitterness on this issue any longer and it is one of the vital points.

For this purpose I propose that a Committee, both of officials and non-officials consisting preferably of members of the Muslims and Scheduled Castes who were generally aggrieved, be formed to inquire into the manner

in which recruitments are made so that the grievances of the aggrieved communities may be redressed and better feelings may prevail upon the different communities.

With this I commend the resolution for the unanimous acceptance of the House.

Mr. B. MUKHERJEE: On a point of information, Mr. Deputy Speaker, Sir. প্রস্তাবটার কি অর্থ—তা ইংরেজীতে পড়ে আমার ঠিক বোধগম্য হচ্ছে না।

Mr. DEPUTY SPEAKER: Mr. Mukherjee, you will make your own interpretation. The resolution has been admitted and it has been moved.

Mr. PATIRAM ROY: মি: স্পীকার, স্যার, হোসেন সাহেব যে প্রস্তাব উত্থাপন করেছেন আমি সেই প্রস্তাব সর্বান্তঃকরণে সমর্থন করছি। Service Ratio Rule সম্বন্ধে একটা enquiry committee গঠন করা আবশ্যক। Service Ratio Rule যখন ১৯৩৯ সালে জুন মাসে তদানীন্তন Cabinetএর মেম্বরদের সহায়তায় করা হয়েছিল তখন Scheduled Caste সম্বন্ধে যে ratio করা হয় তাতে সমস্ত Scheduled Caste membersদের ঘোরতর আপত্তি ছিল। তাঁদের সংখ্যানুপাতে তাঁরা চেয়েছিলেন শতকরা অন্তত: ১৮ জন যাতে চাকরী পেতে পারেন। যদিও তাঁদের ন্যায্য দাবী অনুসারে পাওয়া উচিৎ ছিল শতকরা ২০ জন, তথাপি তাঁরা শতকরা ১৮টিতে রাজী হয়েছিলেন। কিন্তু তাঁদের ন্যায্য দাবী অনুসারে শতকরা ২০টি জায়গায় ১৮টিতে রাজী হওয়া সত্ত্বেও মাত্র শতকরা ১৫টি চাকরী দেওয়ার ব্যবস্থা হয়েছিল। যখন Scheduled Casteদের শতকরা ১৫টি চাকরী দেবার ব্যবস্থা হয়, তখনকার Cabinetএর মেম্বরদের কার্য্যকলাপ দেখে আমরা বুঝতে পেরেছিলাম যে Cabinetএর মধ্যে অনেকে ছিলেন যাঁদের ইচ্ছা ছিল না যে এই শতকরা ১৫টি serviceই Scheduled Casteদের দেওয়া হয়। তাই Service Rule করার সঙ্গে সঙ্গেই একটা provision রাখা হয় যে, শতকরা ১৫ জনকে চাকরী দেওয়া হবে যদি তাদের মধ্যে উপযুক্ত প্রার্থী পাওয়া যায়। কিন্তু আশ্চর্য্যের বিষয় এ রকম কোন condition বা provision মুসলমানদের বা কাষ্ট হিন্দুদের বেলায় নেই। এই ধরণের provision কেবল মাত্র Scheduled Casteদের বেলায়ই রাখা হয়েছে। এ কথা আমরা চিন্তা করতে পারি না, বুঝতে পারি না যে, কি করে তাঁরা ধারণা করেছিলেন যে শতকরা ১৫ জন উপযুক্ত প্রার্থি Scheduled Casteদের মধ্য থেকে পাওয়া যাবে না। যাই হোক, সেই যে শতকরা ১৫ জনকে চাকরী দেওয়া হবে বলে সাব্যস্ত হল, কিন্তু এ পর্য্যন্ত বাংলার কোথাও কোন স্থানে Scheduled Casteদের শতকরা ১৫ জনকে চাকরী দেওয়া হয়নি। প্রত্যেক জায়গায়ই দেখা গিয়েছে, যিনি appointment করেন তিনি তাঁর সুবিধামত এই provisionএর উল্লেখ করে দেখিয়ে দেন যে Scheduled Casteএর উপযুক্ত candidate পাওয়া যায়নি। ১৯৪২ সালে আমরা শুনেছিলাম যে Cabinet থেকে একটা amendment পাশ করে এই provisionটা তুলে দেওয়া হবে এবং শতকরা ১৫ জন Scheduled Caste প্রার্থিকেই চাকরী দেওয়া হবে। এ কথা শোনাতেই পর্য্যবসিত হয়ে আছে। তারপর আমরা যত Notice দেখেছি, যত Circular দেখেছি, সব জায়গাতেই দেখা যায় ঐ এক যুক্তি দেখান হয়েছে যে যদি উপযুক্ত Scheduled Caste প্রার্থি পাওয়া যায় তাহলে শতকরা ১৫ জনকে দেওয়া হবে, অন্যথা দেওয়া হবে না। এ কথাটা মিথ্যা কি না তা আমি জানি না। আমাদের একটা মিথ্যা কথা বলে বুঝিয়ে দেওয়া হয়েছিল যে, ১৯৪২ সাল থেকে আমাদের মধ্য থেকে সুযোগ্য candidate পাওয়া না গেলেও শতকরা ১৫ জনকে চাকরী দেওয়া হবে। (A VOICE FROM GOVERNMENT BENCH: ঐ দিকে থাকলে সুবিধা হবে না।) কোন দিকেই সুবিধা হয় না। দুম্বার মাংস এদিকেও খায়, ওদিকেও খায়। মুসলমানদের বেলায় শতকরা ৫০টি চাকরী তারা পাবে এবং তাতে কোন provisionএর দরকার

হয় না ; যত দরকার হয় খালি Scheduled Casteএর বেলায়। এটা বড়ই আশ্চর্য্যের বিষয় যে একথা কি করে Cabinet স্থির করলেন যে আমাদের মধ্যে থেকে শতকরা ১৫ জন উপযুক্ত প্রার্থী পাওয়া যাবে না। তখন আমরা ঐ দিকে ছিলাম। আমরা ছিলাম বলেই Cabinetএর.... (disturbance and noise) আমরা এদিকেও আছি, ওদিকেও আছি। দুম্বার মাংস Scheduled Caste, কাষ্ট হিন্দুতেও খায়, আবার মুসলমানেতেও খায়। কাজেই আমার অনুরোধ হচ্ছে এই যে কমিটি গঠন করা হচ্ছে এর বিশেষ আবশ্যকতা আছে। এবং এই কমিটির কাজ যাতে ভাল ভাবে পরিচালিত হয় সেদিকে গভর্ণমেণ্টের বিশেষ লক্ষ্য রাখা উচিৎ। এবং সর্ব্বক্ষেত্রে যাতে Scheduled Caste শতকরা ১৫ জন service পেতে পারে তার বিহিত ব্যবস্থা করা একান্ত আবশ্যক। এই প্রসঙ্গে আমি বলতে চাই ১৯৪২ সালের Cabinetএর এই যে decision এটাকে নাকি Public Service Commission থেকে অগ্রাহ্য করা হয়েছে। Public Service Commission এটা মানতে চাইছেন না। Public Service Commissionএ কিছুদিন পূর্ব্বে আমাদের মাননীয় মিঃ এম, বি, মল্লিক মেম্বর ছিলেন। তারপর থেকে Scheduled Casteএর দুরদৃষ্ট যে Public Service Commissionএ তাদের থেকে আর কোন মেম্বর নেওয়া হয়নি। সেখানে Scheduled Casteকে represent করবার কেউ নেই। কেন? Scheduled Casteএর মধ্যে আর কোন উপযুক্ত ব্যক্তি নাই যে Public Service Commissionএর মেম্বর হতে পারেন? আজ আমাদের এই যে দুরবস্থা তার একটা কারণ হচ্ছে যে সেখানে আমাদের তরফ থেকে কোন মেম্বর না থাকায়। তাই আমি বলতে চাই, গভর্ণমেণ্টের এটা লক্ষ্য করা উচিত যে, যাতে Public Service Commissionএ অন্ততঃ Scheduled Casteএর পক্ষ থেকে একজনও Scheduled Caste মেম্বর সেখানে থাকেন। যদি একজনও মেম্বর সেখানে থাকতেন তাহলে আজ যে কথা উঠেছে যে ১৯৪২ সনের Cabinetএর decisionটা Public Service Commission অগ্রাহ্য করে দিয়েছেন, সেটা হয়ত হতো না।

১৯৩৬ সাল থেকে ১৯৪৪ সাল পর্য্যন্ত বাংলার সর্ব্বত্র গভর্ণমেণ্টের বিভিন্ন বিভাগে যত লোক appointment করা হয়েছে তার যদি একটা list তৈরী করেন তাহলে দেখতে পাবেন কোথাও কোন বিভাগে এই ২৬ Service Ratio Rule অনুসারে লোক নেওয়া হয়নি। তাই আজ আমি এই অনুরোধ করবো এখন একটা committee গঠন করা হউক। গত কয়েক বৎসরে যত লোক appointment হয়েছে তার একটা list তৈরী করা হউক, এবং গভর্ণমেণ্ট বিশেষ করে লক্ষ রাখবেন যেন অতঃপর Scheduled Casteকে তার প্রাপ্য শতকরা ১৫টি চাকরী থেকে বঞ্চিত করা না হয়।

Dr. NALINAKSHA SANYAL: Mr. Deputy Speaker, Sir, I rise to support the motion of my friend from the Government side. It is a rare privilege to be in a position to support any motion that a member of the Government benches would like to place before the House. On previous occasions we from this side have tried to bring to your attention the various abuses that have been noticed by us in connection with the working of the communal ratio in the services rules and I have pointed out among other things how in various ways the present arrangement has not worked satisfactorily. We had during the earlier stages of discussion on the communal ratio in the Services Rules made the position of the Congress Party clear. We would welcome greater association of the Muslims and other communities and particularly of the Scheduled Castes in the administration of various departments of public services of the State and Mr. Sarat Chandra Bose had made it perfectly clear that it was not merely a question of percentage, it was a question on which we on this side of the House were prepared to go further if there was any possibility of any arrangement for getting the best men within the community concerned.

Unfortunately, Sir, we have been, during the last four years, grossly disappointed not only in the administration of these rules but also in the extension of the meaning of these rules on spheres which were never intended. Originally, Sir, these rules were not intended to apply to technical and expert and key positions. They were also not intended to apply to cases of promotion, and it was also laid down that the percentage would be applicable to all appointments to be held within the particular year and if within the year candidates of a particular community were not forthcoming, then the appointments would be thrown open to the members of other communities. It was also an unwritten agreement that we shall not go outside the province for recruiting any officer unless it is necessary on technical grounds.

But, Sir, in all these respects we have been thoroughly disappointed. We have shown examples of how important technical posts were kept vacant for the reason that those should be reserved for a particular community till qualified candidates are available from amongst them, to the detriment of the best interest of the province. The posts of the Professor of Clinical Surgery of the Calcutta Medical College, and the Teacher of Surgery at that College had been reserved a few weeks ago for Muslims only. I do not for a moment question or dispute the necessity of providing ample opportunities for every community to develop in various departments of life. But, Sir, where the life of the present generation is concerned and the teaching of art for the future generation is involved I think it is extremely unwise to think of communal reservation of such posts.

Sir, only recently we have come across such instances of how the communal ratio in the Services Rules are actually allowed to work. A few weeks or rather days ago we found a certain notice in the press inviting applications for certain posts in the Publicity Department of the Government of Bengal. It was there noticed that almost like a parallel government the Publicity Department of the Bengal Government under the aegis of a Minister who belongs to the Scheduled Castes community is being set up. We Congressmen, when we think of a parallel government, are immediately accused of a grossly disloyal act. But, Sir, there is nothing wrong if the Publicity Department of the Government follows the same method. We find that in that scheme, at the top there is a Minister-in-charge with a number of Directors, Deputy Directors, Assistant Directors: there are 25 District Organisers of whom 12 are supposed to be Hindus and 13 Muslims, and 100 subdivisional propaganda agents. It is understood, Sir, that although the post of one of the Deputy Directors was reserved for a Hindu, for reasons best known to the department a non-Bengali, probably a Hindu, has been selected for that post. This position has been held by an officer who has also to act as Editor of Publications. The majority of publications in this province consist of publications in the vernacular language, namely, Bengali, and yet, Sir, in their wisdom Government have selected a non-Bengali who does not know the custom or the language of the province.

Sir, one of the Assistant Directors who has been selected happens as I understand, to be a brother of the Director himself. (Mr. RASIK LAL BISWAS: Not a brother-in-law!)—That is your special concern.—Now, it is rumoured, and probably it may come true, that the Hindu Deputy Director who has been selected from another province is a nominee of a high official—a high member of the Government of India, and if he is not a brother-in-law, as Mr. Rasik Lal Biswas knows well, probably better than myself, he is soon going to be the brother-in-law of some member.

Now, Sir, with regard to other officers including these officers it is understood that the selection has been left to be made by a Selection Committee composed of a few Government Party sycophants and supporters like that great personage who felt disgraced to call himself a Hindu, Mr. Narendra Narayan Chakrabarty, Khan Bahadur Mohammed Ali,

Mr. G. W. Tyson, the Scheduled Caste representative there is not my friend Mr. Rasik Lal Biswas but Mr. Banku Behary Mandal, and the Hon'ble Minister himself.

Sir, it is reported, and again a small bird brings this report, that the appointments have been divided up only amongst nominees of the supporters of the Government and the Chief Whip of the Government had circularized to favourite members of his party asking them to give their own personal nominees for these posts and it was through the Chief Whip that the necessary whip was issued to the Selection Committee to have the appointments given to particular individuals who were considered to be useful for the party propaganda purposes in their respective districts.

Sir, this is the manner in which Communal Ratio Services Rules are going to be and have been worked so far. Whether it is a question of percentage of Muslims or Scheduled Castes or Hindus, the only consideration that has so far weighed with the Government is nepotism and party patronage and nothing else. (Mr. SYED MUSTAGOWSAL HAQUE: What about the Calcutta University?) There is no Communal Ratio Rules there yet. I am no apologist for what happens in the Calcutta University. You go and find out.

Sir, it is clear that this machinery is being set up in gross and violent disregard of all canons of justice in public service and is only for capturing the arrangements for political party propaganda in rural areas of Bengal at the cost of the public. It is understood that the total estimated cost in the current year for this publicity reorganisation comes to the tune of about 7½ lakhs of rupees. There was no provision for it in the budget and we presume that all this will come towards the end of the year through a so-called supplementary budget and the House will neither have the time nor the opportunity to look into details. (Maulvi ABU HOSSAIN SARKAR: That is backdoor.) Our friends only know how to enter by the backdoor.

Now, Sir, the position is so ridiculous that one of the Assistant Directors of Public Information who labours under a serious grievance has been long on leave. Another officiating Assistant Director who is considered to be a very capable person is also smarting under a sense of grievance. There are also a large number of permanent assistants of the department who were originally recruited for Public Health propaganda——

(At this stage the red light was lit.)

Why this restriction, Sir?

Mr. DEPUTY SPEAKER: You have already had 15 minutes.

Dr. NALINAKSHA SANYAL: Then I continue the next day. I shall have half an hour.

Mr. DEPUTY SPEAKER: That will be decided later on.

Dr. NALINAKSHA SANYAL: There will be no question of my speaking today. If you want to adjourn the House I continue the next day. I understand you yourself gave the decision that when the Government party member will speak for half an hour we also should have half an hour.

Mr. DEPUTY SPEAKER: You cannot presume anything. You have not heard me. As far as I know—the book is not with me—under the ordinary rule for the mover of the resolution half an hour is permissible and for other honourable members speaking for or against that motion 15 minutes each. I have not the rule before me. If under the rule it is permissible to give you half an hour or 40 minutes or 45 minutes, you will have it.

Adjournment.

The House was then adjourned at 7-15 p.m. till 4 p.m. on Monday, the 29th May, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 29th May, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 6 Hon'ble Ministers and 164 members.

Obituary.

Mr. SPEAKER: Ladies and gentlemen, it is my melancholy duty to refer to the sad and untimely demise of Maharaja Sashikanta Acharya Chowdhury, of Muktagacha, Mymensingh, a sitting member of this House. He died on Saturday last, the 27th May, 1944. One of the leading representatives of the landholding community of the province, the Maharaja was a member of the old Bengal Legislative Council and of the Council of State. He took an active and enlightened interest in the welfare of the province. He was a gentleman in the true sense of the term and won respect and admiration from all by his sweet, simple, amiable and unassuming disposition.

Ladies and gentlemen, I am also to refer to the death of Mr. S. C. Mukherji which occurred on the 28th May, 1944. Mr. Mukherji was a member of the old Bengal Legislative Council. As the President of the Indian Christian Association he took an active interest in the welfare of his community.

I feel it is the desire of the House to send messages of condolence to the bereaved families. I hope members will signify their assent by rising in their seats.

(Members rose in their seats.)

Thank you, ladies and gentlemen. Secretary will take necessary action.

Following the convention that when a sitting member dies during session, the House is adjourned, I feel we should adjourn today.

Adjournment.

The House was then adjourned at 4-4 p.m. till 4 p.m. on Tuesday, the 30th May, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 30th May, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 12 Hon'ble Ministers and 189 members.

Point of Information regarding presence of extra police in the Assembly Compound.

Mr. SASANKA SEKHAR SANYAL: May we know, Sir, why extra Police have been posted in the Assembly compound?

Mr. SPEAKER: I do not know anything about it. I have not seen it. I do not think there is any necessity for it.

Mr. SASANKA SEKHAR SANYAL: Will you be pleased to instruct your Department or your staff here to see that the extra Police are removed?

Mr. SPEAKER: I shall just look into the matter.

Mr. ATUL KRISHNA GHOSE: Before you begin with the day's business it is essentially necessary to know whether the Police forces have been requisitioned with or without your consent.

Mr. SPEAKER: I have already said that I know nothing about it. I do not think there is any necessity or occasion for it. I am just making an enquiry.

Mr. ATUL KRISHNA GHOSE: First of all please make that enquiry and remove the Police force. Then the work will begin here.

Mr. SASANKA SEKHAR SANYAL: It is not adding to the dignity of the House.

Mr. ATUL CHANDRA SEN: I propose that the House be adjourned for a few minutes.

Mr. SPEAKER: I have already said that I shall make an enquiry.

Mr. ATUL CHANDRA SEN: In the meantime I suggest that the House be adjourned for a few minutes.

Mr. SPEAKER: I do not think it is necessary.

Mr. ATUL KRISHNA GHOSE: It goes against the dignity of the House, it goes against the dignity of members, it goes against the dignity of Bengal that members of the Bengal Legislative Assembly will hold their meeting under Police guard and under the bayonet of the Police. Let the Chief Minister say why he has requisitioned the Police. We do not care whether the Bill is passed or not. Let them pass it if they like. But we are not here to be surrounded by the Police and to work under the bayonets of the Police forces of Bengal. This has got to be decided here and now.

Mr. SPEAKER: I have asked my Secretary to get this information and as soon as I get the information I will take the necessary step.

Mr. SASANKA SEKHAR SANYAL: In the meantime it is not possible for the members to proceed with the business with the Police on their shoulders.

Mr. SPEAKER: A certain number of Police constables and other Police always come here as far as I know. They never come within the Chamber itself. They have got their duties outside. [illegible] is my experience. I do not know under what authority or in what way they discharge their functions. I had no occasion to know this before. So far as today's business is concerned it appears from the complaint of the members that extra Police had been requisitioned. If that is so, I am ready to make an enquiry into the matter and let the House know about it as soon as I get information.

Mr. ATUL CHANDRA SEN: In the meantime the House may be adjourned for a few minutes. Do I understand you to say that you are not the sole authority in the matter?

Mr. ATUL KRISHNA GHOSE: There is a precedent regarding this matter. In the Central Legislative Assembly when it was surrounded by the Police the then President, Mr. V. J. Patel without asking the Government passed a special order to remove the Police force from within the precincts of the House.

Mr. SHAMSUDDIN AHMAD: The Hon'ble Chief Minister who is responsible for the administration is here and you, as Speaker, are the custodian of the House. You can ask the Chief Minister to state the reason for the presence of the Police force in the precincts of the House and whether he approves of it.

Mr. SPEAKER: Sir Nazimuddin, can you enlighten the House?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not see why you should accept the statement of these gentlemen as correct until you have made an enquiry personally.

Mr. ATUL CHANDRA SEN: Let him deny it then.

Dr. NALINAKSHA SANYAL: Sir, you have been asked personally to go and see.

Mr. SHAMSUDDIN AHMAD: Even in bureaucratic days it was not done.

Dr. NALINAKSHA SANYAL: Let the Home Minister be your guard and then only we shall be prepared to let you go and see the thing personally.

Mr. CHARU CHANDRA ROY: It is audacious on the part of the Home Minister to suggest to the Hon'ble Speaker to go out of the House and make a personal enquiry. I take very strong exception to that.

Mr. SPEAKER: It appears that you have taken the statement made by the Hon'ble Chief Minister as a request to me to go out of the House and ascertain for myself. That is far from his mind as I understood him to say.

Dr. NALINAKSHA SANYAL: He does not of course mean what he says. Very often that happens. That is a different question.

Mr. SPEAKER: I think we can now go on with the business of the day. In the meantime I shall enquire, if anything has been done which is derogatory to the dignity or prestige of the House. In that case certainly the House has got a legitimate grievance and a right to demand removal of the Police.

Mr. ATUL KRISHNA GHOSE: It is my view-point that we cannot go on with the business of today. We are not so many thieves that we should be surrounded by the Police force. If we are guilty let them arrest us. (Dr. NALINAKSHA SANYAL: Outside.) We cannot possibly go on with

the business of the House so long as we are surrounded by the Police without any rhyme or reason.

Mr. SPEAKER: I think it would be a perfectly legitimate grievance of the House if there has been any intention to exercise any intimidation or anything of that kind on behalf of anybody whoever he may be. But there is at least up till now nothing to indicate that. There might have been Police force. I have not seen it. I have asked my Secretary to look into the matter. If there is any such thing then certainly the House will have a legitimate grievance and that grievance will be removed.

Mr. ATUL KRISHNA GHOSE: Is the Secretary going out to enquire into the matter?

Mr. SPEAKER: He need not do it personally.

STARRED QUESTIONS

(to which oral answers were given)

Government order for removal of three professors from staff of Brojomohan College, Barisal.

*347. (SHORT NOTICE.) **Mr. ATUL CHANDRA SEN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the Government have recently issued an order to the Governing Body of the Brojomohan College, Barisal, through the Director of Public Instruction, informing them that the grant-in-aid to the college shall be stopped unless three members of the professorial staff, viz., Miss Santi Sudha Ghosh, Mr. Prafulla Ranjan Chakravarty and Mr. Sudhir Kumar Aich are forthwith removed from service?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what are the reasons of the warning given to the college?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) Yes.

(*b*) Because in view of their past antecedents, Government did not consider it safe that they should be retained on the staff of a college.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*), will the Hon'ble Minister be pleased to state what is the legal authority, on the basis of which this order has been issued?

The Hon'ble Mr. TAMIZUDDIN KHAN: There was an agreement with the College authorities that the appointments, maintenance and dismissal of the staff would be subject to the approval of the Government so long as the grant continued. That was the condition of the grant and, in pursuance of that, action was taken by Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the date of that agreement and the clause or clauses referred to which cover this particular point of the Government retaining the authority to interfere in the appointment or retention of particular members of the staff?

The Hon'ble Mr. TAMIZUDDIN KHAN: The agreement was arrived at in the year 1912. It will take some time to pick out the exact item.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state who were the parties to that agreement of 1912 and who actually signed on behalf of the College?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I have got a printed copy of that document but not the original. In this copy the signatories are not shown.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if the agreement referred to was an agreement between the authorities, the Governing Body, of the Barisal Brojomohan College and the Government of Bengal or between any other party or parties?

The Hon'ble Mr. TAMIZUDDIN KHAN: It was between the Government of Bengal and the authorities of the College.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please tell us what are the terms of that agreement, broadly speaking?

The Hon'ble Mr. TAMIZUDDIN KHAN: It is a very lengthy document and there are a large number of terms.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the agreement referred to related to the construction of the building of the College at a time when the College authorities were negotiating with Government for some capital grant and had nothing to do with grant-in-aid to the College from year to year?

The Hon'ble Mr. TAMIZUDDIN KHAN: As I have already said, there are various things in that document. I have not examined all the details of the document. This is a matter which does not directly relate to the question at issue, and therefore I am not prepared to answer.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state the particular paragraph of that agreement which authorises Government to interfere with appointment of teachers, etc.?

The Hon'ble Mr. TAMIZUDDIN KHAN: It is item No. 5.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please let the House know what the item No. 5 is?

Mr. SPEAKER: I do not think that that question arises.

Dr. NALINAKSHA SANYAL: Sir, he is referring to an agreement which is not a public document. We are entitled to know the contents of a document which is not available to the members of the House and which is not available on the Library Table. Hon'ble Ministers cannot refer to a document which is not readily available, and if he refers to it, we are entitled to ask questions on it.

Mr. SPEAKER: You can ask whether he is prepared to lay a copy of the agreement on the table.

Dr. NALINAKSHA SANYAL: He has referred to it.

The Hon'ble Mr. TAMIZUDDIN KHAN: On that point I have nothing further to add.

Dr. NALINAKSHA SANYAL: With reference to answer (*b*) will the Hon'ble Minister please state what past antecedents of these Professors are referred to there?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, they were arrested under the Defence of India Rules and made security prisoners.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any trial was held and whether they were convicted in any court of law.

The Hon'ble Mr. TAMIZUDDIN KHAN: No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state on what authority the Government concludes that the antecedents of these Professors were undesirable or were such that they could not be retained with safety?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, the same authority under which they were put under arrest and detained.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if it is a fact that these professors were subsequently let off because the authority responsible for their arrest recognised their mistake and subsequently discovered that the arrest was wrongful and detention illegal?

The Hon'ble Mr. TAMIZUDDIN KHAN: The answer is in the negative.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state why the gentlemen and the lady concerned were subsequently released?

The Hon'ble Mr. TAMIZUDDIN KHAN: Only one of them has been released and on medical grounds.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state whether Government is prepared to place the complaints regarding the antecedents of these professors before the Governing Body of the College?

The Hon'ble Mr. TAMIZUDDIN KHAN: That is a matter concerning the Home Department.

Mr. ATUL CHANDRA SEN: With reference to answer (*b*), will the Hon'ble Minister please state whether he is aware that one of the three victims, viz., Miss Shantisudha Ghosh, is a distinguished scholar, being the Eshan Scholar of her year?

Mr. SPEAKER: That question does not arise.

Mr. NISHITHA NATH KUNDU: In view of the dismissal of the professors subject to the approval of Government, will the Hon'ble Minister please state who took the initiative in dismissing those professors, —Government or College authorities?

The Hon'ble Mr. TAMIZUDDIN KHAN: They have not been dismissed.

Dr. SYAMAPRASAD MOOKERJEE: Will the Hon'ble Minister please state if it is not a fact that the professors concerned and the Physical Instructor were appointed by the Governing Body and the appointment of the professors was approved by Government?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice.

Dr. SYAMAPRASAD MOOKERJEE: Is the Hon'ble Minister aware that the leave application of these professors was considered at a meeting by the Governing Body and passed by, over which the District Magistrate himself presided?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know exactly who presided, but the Governing Body sent a copy of a resolution like that to the Government.

Dr. SYAMAPRASAD MOOKERJEE: Is the Hon'ble Minister aware that Miss Shantisudha Ghosh was appointed in 1937 as a professor of the College when she was an *ex*-detenu and was under an order of restriction, and her apppointment was approved by the Government?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have not enquired into these things, and I want notice.

Dr. SYAMAPRASAD MOOKERJEE: Is the Hon'ble Minister aware that the particular clause which he has referred to does not give any power to Government to dismiss a professor of this particular College?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, is it not a question of opinion?

Mr. SPEAKER: That is a question, he says, of the interpretation of the clause. The clause is not before me or before you. So.....

Dr. SYAMAPRASAD MOOKERJEE: That is the reason why Dr. Sanyal asked that the particular clause should be read out. This was an agreement between the Secretary of State on the one hand and the authorities of the Brajamohan College on the other, and power was given to the Government only to this extent that appointments and dismissals were subject to the approval of Government.

Mr. SPEAKER: You cannot give the contents of the document yourself. You can put supplementary questions.

Dr. SYAMAPRASAD MOOKERJEE: Will the Hon'ble Minister please read out to the House only that particular clause of the agreement which authorises Government to take action in the manner Government has taken?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, may I read out a portion? It is a very long document. "All appointments to the teaching staff of the College shall be subject to the approval of the Education Department so long as the College shall be in receipt of a grant-in-aid from Government, and such approval is required by the grant-in-aid rules".

Dr. SYAMAPRASAD MOOKERJEE: Is the Hon'ble Minister aware that according to the clause just read out, the appointments in question, after they were made by the Governing Body, were duly approved by the Provincial Government?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have already said that I have not enquired into these matters.

Dr. SYAMAPRASAD MOOKERJEE: Will the Hon'ble Minister please state under which clause Government has issued the present order, viz., asking for the removal of professors already appointed and approved by Government?

The Hon'ble Mr. TAMIZZUDDIN KHAN: It is a condition under the general grant-in-aid rules.

Dr. SYAMAPRASAD MOOKERJEE: Is the Hon'ble Minister aware that one of the persons involved is not a member of the teaching staff at all? He is a Physical Instructor. Under which clause of the agreement was Government empowered to issue an order that he should be removed from the College?

The Hon'ble Mr. TAMIZUDDIN KHAN: As the gentleman in question is a Physical Instructor, he may be taken to be a member of the teaching staff.

Dr. SYAMAPRASAD MOOKERJEE: Is the Hon'ble Minister aware that so far as the control of the Government over this College is concerned, Government is bound by the terms of the agreement and not by the general rules of the Education Code?

The Hon'ble Mr. TAMIZUDDIN KHAN: I think, over and above the special terms of this agreement, the general rules regarding grants-in-aid are applicable to all institutions.

Dr. SYAMAPRASAD MOOKERJEE: Is the Hon'ble Minister aware that there is a clause in the agreement before him which entitles any of the parties to refer any matter in dispute to arbitration?

The Hon'ble Mr. TAMIZUDDIN KHAN: I ask for notice.

Dr. SYAMAPRASAD MOOKERJEE: Is the Hon'ble Minister aware that in such arbitration the arbitration committee is to consist of three representatives—one to be nominated by the Governing Body, one to be nominated by the Government of Bengal and one to be nominated by the University of Calcutta?

The Hon'ble Mr. TAMIZUDDIN KHAN: This was not the exact point at issue and I had not enquired into this question.

Dr. SYAMAPRASAD MOOKERJEE: As there is a dispute between the College and the Government in respect of matters of appointment, will Government consider the desirability of referring the whole matter to this committee of arbitrators, as provided for in the agreement between the Government and the College?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have already said that I do not admit of this committee of arbitrators. I have asked for notice so far as that question is concerned.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that there is a great resentment amongst the students of the College against the order issued by the Government as a result of which the College authorities have been put to a great quandary as to whether to accept the Government fiat or to allow the College to be closed?

The Hon'ble Mr. TAMIZUDDIN KHAN: It appears Dr. Sanyal knows, but I do not know.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have received any representation from the Governing Body in this connection?

The Hon'ble Mr. TAMIZUDDIN KHAN: Government received representation about a year ago when the order was originally passed.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if subsequent to the issue of the order, Government have kept any information about the condition existing in the College now?

(No reply.)

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the amount of grant-in-aid involved?

The Hon'ble Mr. TAMIZUDDIN KHAN: Rupees 1,200 per annum.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the total earning of the College from the fee fund and from the private resources?

Mr. SPEAKER: I am afraid that question does not arise.

Dr. NALINAKSHA SANYAL: It does arise, Sir. It is a question of grant-in-aid to an institution. Government have imposed an atrocious order for a paltry sum of Rs. 1,200 per annum whereas the total average earning of the College appears to be near about several thousands and I would show the absurdity of an order of this character and also want to expose the meanness of the present Ministry in regard to this kind of order.

Mr. SPEAKER: No discussion is allowed.

Dr. NALINAKSHA SANYAL: Sir, I am putting a point of order to you. Therefore, I submit that this point is extremely relevant.

Mr. SPEAKER: I disallow that question.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, may I correct one mistake. The grant is Rs. 1,200 per month and not per annum.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the total amount of expenditure involved in that College from all sources?

Mr. SPEAKER: I do not think a question like that can be answered on a notice like this.

Mr. A. K. FAZLUL HUQ: Is the Hon'ble Minister aware that before the 1st April, 1937, Sir Azizul Haque was the Education Minister of Bengal?

Mr. SPEAKER: How does that question arise?

Mr. A. K. FAZLUL HUQ: Let him say "yes" or "no". I have a right to ask a question.

Mr. SPEAKER: Do you want to know who was the Education Minister before 1937?

Mr. A. K. FAZLUL HUQ: I want to know who was the Education Minister before the 1st April, 1937, and who was the Education Minister after the 1st April, 1937.

Mr. SPEAKER: That is a question of record. I do not allow that.

Dr. NALINAKSHA SANYAL: Sir, it is question which is very relevant in this connection. I would submit with all humility that I do not want to disobey the Chair but the Leader of the Opposition has put a question and he knows his responsibility and probably he has a better reputation as a lawyer than many of you, Sir.

Mr. A. K. FAZLUL HUQ: Is the Hon'ble Minister prepared to contradict me that when the case of Santi Sudha came up to Government for confirmation, the then Education Minister Mr. Fazlul Huq went into this question thoroughly and sanctioned the appointment definitely?

The Hon'ble Mr. TAMIZUDDIN KHAN: He has referred to some experience of himself. I would ask the questioner to refresh his own memory.

Mr. A. K. FAZLUL HUQ: Is the Hon'ble Minister aware that at a meeting of the Governing Body where the appointment of Santi Sudha was approved by the Governing Body, Mr. Tuffnell-Barrett, District Magistrate of Bakarganj, was actually presiding?

Mr. SPEAKER: He has answered that question already.

Mr. A. K. FAZLUL HUQ: Sir, if he wants so many notices, may I suggest that the House be adjourned for 15 minutes so that the Minister may consult the Director of Public Instruction and his Secretary who are both here and answer questions properly. Let him consult them.

Point of Order.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. This question has been answered in a most unsatisfactory manner and I have already submitted an adjournment motion on this answer. I would crave of you that you give me consent under the rules to move the adjournment motion today.

Mr. SPEAKER: That question will come later on after the question time.

Dr. NALINAKSHA SANYAL: It will not come later. I want your consent now.

Mr. SPEAKER: It will be taken up at the proper time.

Dr. NALINAKSHA SANYAL: The proper time is immediately after the question and I will not listen to any admonition from you. I am insisting on this. It is a valuable right of ours. I will have to extract consent from you. It is not a matter of joke with us. I was myself treated in the same manner by Sir Nazimuddin and he vetoed my appointment in the University on similar political grounds. This kind of intolerance of Government and meanness on the part of the Ministry has to be checked. This is a very important matter of public importance and we will not allow this to go unchallenged. Sir, I want your consent—I have already given due notice of it.

Mr. SPEAKER: You cannot have it now.

Dr. NALINAKSHA SANYAL: I have given you due notice. Why should I not have your consent? This is the parliamentary practice. You please give me your consent. I will move immediately after the question time.

Mr. SPEAKER: This is not the proper time.

Dr. NALINAKSHA SANYAL: When is the proper time?

Mr. SPEAKER: After the questions are over.

Dr. NALINAKSHA SANYAL: Then I will have to beg leave of the House? Sir, I want to have your consent here and now.

Mr. SPEAKER: I think my office has communicated to you my decision.

Dr. NALINAKSHA SANYAL: What is your decision?

Mr. SPEAKER: Have'nt you got that?

Dr. NALINAKSHA SANYAL: That consent was refused on different grounds. But I want to have your consent now.

Mr. SPEAKER: The matter will come up just in proper time.

Re: Under-trial and other prisoners in Midnapore Central, Contai and Tamluk Jails.

*354. **Mr. ISWAR CHANDRA MAL:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the last date or dates when the walls of the (1) Midnapore Jail Hospital Wards, (2) Convict Wards, (3) Under-trial Wards and (4) east and west cells were whitewashed;

(*b*) the total number of under-trial prisoners on the 31st December, 1942, 30th September, and 31st December, 1943, in—

(1) Midnapore Central Jail,
(2) Contai Sub-Jail, and
(3) Tamluk Sub-Jail;

(*c*) the maximum number of prisoners including all kinds of prisoners in these three jails during the period from 1st September, 1942, to 31st December, 1943;

(*d*) the capacity of each of these jails excluding the wards occupied by the security prisoners;

(*e*) the rules prescribed in the Jail Code as regards clothings of under-trial prisoners confined for long periods and who cannot procure clothings from outside;

(*f*) the rules prescribed in the Jail Code for provisions in lieu of daily diet for the prisoners, wishing to observe all *Ekadashis*, on religious grounds; and

(*g*) the present number of books in the Midnapore Central Jail Library available for prisoners, the last date when new books were purchased and the amount spent on that account?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (1), (2) and (3) February, 1943, and (4) during 1940-41.

	31st December, 1942.	30th September, 1943.	31st December, 1943.
(*b*) (1) Midnapore Central Jail ..	743	1,176	751
(2) Contai Sub-Jail ..	112	168	133
(3) Tamluk Sub-Jail ..	119	228	125

(*c*) Midnapore 2,494 (on 15th October, 1943), Contai 299 (on 13th June, 1943), and Tamluk 318 (on 11th June, 1943).

(*d*) Midnapore 1,053, Contai 39, and Tamluk 50.

(*e*) and (*f*) The honourable member is referred to rules 923, 924, 925 and 691 of the Bengal Jail Code, Volume I (7th edition), a copy of which is placed in the Library.

(*g*) 1,340 books in the Library of the jail. New books were purchased last on the 16th March, 1943, at Rs. 72-6.

Grant of family allowance to security prisoner Sj. Manindra Nath Sen.

***355. Sj. NARENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that Sj. Manindra Nath Sen, of Faira in the district of Bakarganj, a security prisoner in Barisal Jail, has forwarded several petitions to the Government of Bengal for family allowance;

(*ii*) that the Government have not as yet sanctioned any allowance for his family;

(*iii*) that his wife and children are without any male guardian to look after them; and

(*iv*) that during his former detention during the period (6th *Bhadra* 1341 to *Aswin* 1344), he and his wife were granted an allowance of Rs. 45 per month?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of—

(*i*) granting suitable allowance to his family or

(*ii*) releasing him?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) and (*iv*) Yes. (*ii*) An allowance of Rs. 20 per month has since been granted.

(*iii*) and (*b*) (*ii*) No.

(*b*) (*i*) Does not arise.

Mr. NISHITHA NATH KUNDU: With reference to (*a*) (*iii*), will the Hon'ble Minister be pleased to state who is looking after his wife and children?

Khan Bahadur MOHAMMED ALI: The prisoner's brother Satyendra Nath Sen is living in the same house with his family.

Status, rights and privileges of clerical and menial staff of Assembly Department.

*356. **Mr. BIRAT CHANDRA MANDAL:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) whether it is a fact that the status, rights and privileges of the clerical and menial establishment of the "defunct" Council Department on its separation from the Bengal Legislative Department were preserved on the same line and equal footing with those of the Bengal Secretariat by Government Orders issued by the then Appointment Department of the Government of Bengal;

(*ii*) whether the Home Department has issued any orders under section 241 of the Government of India Act, 1935, to protect and to preserve the rights, privileges and status, etc., of the clerical and menial establishments of the present Assembly Department on the same line with the Bengal Secretariat;

(*iii*) whether it is a fact that the rules and orders applicable to the Bengal Secretariat are equally applicable to the clerical and menial establishments of the Assembly Department; and

(*iv*) whether the method of recruitment and pay of Lower Division assistants of the Assembly Department are the same as in the Bengal Secretariat?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for the differential treatment accorded to the Lower Division assistants in respect of their pay and prospects on promotion to the Upper Division posts in the department?

(*c*) Do the Government propose to remove inconsistencies or anomalies, if any, from which the clerical staff of the Assembly Department have been suffering?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) The conditions of service of the staff of the old Council Department were regulated by special rules entitled "The Bengal Legislative Council Department Rules"?

(*ii*) and (*iii*) The conditions of service of the staff of the present Assembly Department are regulated by special rules entitled "The Bengal Legislative Assembly Department Rules, 1937", to which a reference is invited.

(*iv*) Yes.

(*b*) and (*c*) Do not arise.

Mr. NISHITHA NATH KUNDU: With reference to answer (*a*) (*ii*) and (*iii*) will the Hon'ble Minister be pleased to state the reasons for this invidious distinction in respect of pay of upper division posts in the Assembly Department from that of the Bengal Secretariat in spite of the principle of equal treatment adopted?

Khan Bahadur MOHAMMED ALI: The rate was accepted by the then Speaker when these posts were created with the ushering in of the Provincial Autonomy.

Mr. NISHITHA NATH KUNDU: In view of the autonomous position of the Assembly Department and in view of the provision of rule 4 of the Assembly Department Rules, how does the Cabinet come to the picture at all in relation to the Hon'ble Speaker who is the administrator and the ultimate authority under the Governor?

Khan Bahadur MOHAMMED ALI: It is open to the Speaker to take action.

Mr. NISHITHA NATH KUNDU: In view of the promise of equal treatment under the authority of Governor and the rules framed by him

will the Hon'ble Minister be pleased to state whether a lower division assistant appointed substantively before 1931, but serving in the Legislative Council and Assembly Departments is entitled to unrevised scale of pay on promotion to a Secretariat upper division post and elsewhere?

Khan Bahadur MOHAMMED ALI: It has already been admitted to be so on the floor of this House, in reply to a previous question.

Mr. NISHITHA NATH KUNDU: In view of the answer, will the Hon'ble Minister be pleased to state whether the grouping of deparmental services under the Bengal Services Revision of Pay Rules, 1934, has ceased to operate and apply to the lower division assistants of the Legislative Department appointed before 1931, in connection with promotion to Secretariat Upper Division posts and elsewhere?

Khan Bahadur MOHAMMED ALI: It has already been stated that the Legislative Department is a part of the Secretariat, and, therefore, the same line of service is open to both.

Mr. NISHITHA NATH KUNDU: In view of the answer just now given, will the Hon'ble Minister be pleased to state why differential treatment is meted out to the upper division clerks here in the Assembly Department with those of the Secretariat?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether in spite of this rule whereas in the Secretariat the pay of a clerk goes up from Rs. 115 to Rs. 350 with a biennial increment of Rs. 20, here with a similar biennial increment the pay of a clerk of the corresponding grade in the Assembly Department goes up to Rs. 300 only.

Khan Bahadur MOHAMMED ALI: That was the rate which was accepted by the then Speaker.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that in spite of the rules and the policy of Government as disclosed in the answer, there is actually, in practice some discrimination whatever the reasons may be?

Khan Bahadur MOHAMMED ALI: I do not know what the honourable member means by "in spite of the rules". The rules lay down the scale of salary of upper division assistants of the Assembly and according to the rules their maximum pay is Rs. 300.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state why is it that the maximum pay here is Rs. 300 whereas in the Secretariat the maximum is Rs. 350?

Khan Bahadur MOHAMMED ALI: The Secretariat grade has not been given to the employees of the Assembly Department. Their rate is at par with the employees of the Revenue Board.

Mr. SASANKA SEKHAR SANYAL: Does it not appear that although the same rules are operating in two places, actually the results are different?

Mr. SPEAKER: That is an argumentative question.

Mr. SASANKA SEKHAR SANYAL: Does the Hon'ble Minister consider the desirability of taking action with a view to putting the Assembly Department on the same footing as the Secretariat Department?

Khan Bahadur MOHAMMED ALI: Initiative has to be taken by the Hon'ble Speaker.

Mr. SASANKA SEKHAR SANYAL: In view of the answer given by he Parliamentary Secretary may I request the Speaker to take notice of he last answer and act accordingly?

Khan Bahadur MOHAMMED ALI: You are addressing the Speaker.

Mr. SASANKA SEKHAR SANYAL: Will the Deputy Speaker be leased to state whether in view of the last answer of the Parliamentary ecretary, he will take notice of the last answer and proceed to take steps?

Mr. SPEAKER: The question is being answered by Government.

Mr. NISHITHA NATH KUNDU: In view of the answer just now iven does the Hon'ble Minister think it desirable to refer the matter to ie Hon'ble Speaker for taking steps?

Khan Bahadur MOHAMMED ALI: No, Sir. It is for the Speaker to xamine the matter and take steps.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased) state on what legal authorities the rules have been framed separately or the Bengal Legislative Council Department and for the Bengal egislative Assembly Department?

Mr. SPEAKER: That is a question of legal opinion.

Dr. NALINAKSHA SANYAL: No, Sir. It is not a question of ɔinion. It is a question of fact. I want the quotation of the relevant ection of the Act.

Mr. SPEAKER: Government may not know the law at all.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that overnor exceeded his powers under the Government of India Act, when e framed rules regarding the Assembly Department, viz., the Bengal egislative Assembly Department Rules, 1937?

Mr. SPEAKER: That is a question of law. I cannot allow that.

Dr. NALINAKSHA SANYAL: Sir, my first question was on what gal authority these rules were framed.

Mr. SPEAKER: That is a question of law.

Dr. NALINAKSHA SANYAL: How are these rules framed? The law ıay be quoted, i.e., under section so and so of the Government of India ct, these rules have been framed.

Mr. SPEAKER: The Hon'ble Minister may not know the law at all.

Dr. NALINAKSHA SANYAL: He is holding office under Government nd he cannot say that he does not know the Act or law! Let him answer he question. It is not for the Speaker to overrule it. You have taken ity for the Parliamentary Secretary and you are giving him protection.

Mr. SPEAKER: That is not the idea.

Dr. NALINAKSHA SANYAL: Why do you disallow me then? I anted to know under what legal authority these rules have been framed.

Mr. SPEAKER: You are asking a Minister to state the law according) which certain rules have been framed and my decision is that it is sking for opinion about law.

Dr. NALINAKSHA SANYAL: I submit that your opinion is wrong. a all humility, I submit it is not a matter of your ruling. It is a uestion of your opinion. In spite of your legal knowledge, I submit ıost respectfully that it is not your function to give a Minister or a arliamentary Secretary any protection other than what is due to him as member?

Khan Bahadur MOHAMMED ALI: No protection is wanted.

Dr. NALINAKSHA SANYAL: He says that he does not want your protection.

Mr. SPEAKER: He may even say "I am a great lawyer". He may be a constitutional pandit, but I have got to see whether the question is admissible under the rules or not. You can ask the Minister to supply you with facts. It may be said that law is also a fact and therefore I ask him to state whether he knows this law.....

(At this stage Mr. Atul Chandra Kumar crossed the floor amidst cries of "Bande Mataram", "Resign, Goswami" and "Resign, Baroda Pain" from the Congress Benches.)

Khan Bahadur Maulvi ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to consider the desirability of revising the rules in co-operation with the Assembly Department with a view to removing the discontent and suiting them to the present day war conditions?

Khan Bahadur MOHAMMED ALI: These duties are committed to the charge of the President and the Speaker. It is for them to examine the rules.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

"Blackout" prisoners.

171. Mr. SIBNATH BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the present number of blackout (Defence of India Rules) prisoners in the different jails of Bengal;

(*ii*) the number of them that have already passed more than one year in jail without trial or conviction;

(*iii*) whether they are made to work as Division III prisoners convicted to rigorous imprisonment; and

(*iv*) whether they have to rot in jails for indefinite periods?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) whether these prisoners have become desperate and jail discipline has become considerably undermined due to them;

(*ii*) when and where they refused to work and take meals;

(*iii*) how many times they had to be *lathi*-charged or fired on; and

(*iv*) the number that were (1) killed and (2) wounded?

(*c*) Will the Hon'ble Minister be pleased to state the reasons for the recent riotings in Dacca and Berhampore Jails and stabbing of the Jailor in Presidency Jail?

(*d*) Is it a fact that there is congestion in jails due to the large influx of these prisoners?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps Government propose to take for removing the congestion?

(*f*) Is the Hon'ble Minister considering the desirability of granting family allowance to them or at least paying them wages for work they are made to do?

(*g*) If the answer to (*f*) is in the negative, is the Hon'ble Minister considering the desirability of releasing them on parole or any other restrictions?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) and (*ii*) It is presumed that by blackout prisoners, the honourable member intends to refer to the criminal security prisoners detained under conditions prescribed in rule 72 of the Bengal Security Prisoners Rules. The total number of such prisoners on 7th March, 1944, was 2,537. The collection of statistics as to how many of these have been under detention for more than one year will entail an expenditure of labour and time which I am not prepared to order in the present emergency.

(*iii*) Yes, under the provisions of rule 72, Bengal Security Prisoners Rules, 1940.

(*iv*) The prisoners concerned belong to the class of persons who have no fixed place of residence or ostensible means of subsistence and have been convicted on more than one occasion of offences against property and offences involving a breach of the peace. They have been detained as a measure of security with a view to prevent them from acting in any manner prejudicial to the public safety and maintenance of public order. A number of such prisoners have from time to time been released on furnishing satisfactory guarantee of good behaviour. Those who cannot furnish satisfactory guarantee will continue to be detained as long as such detention is considered necessary in the interest of public safety and the maintenance of public order.

(*b*) (*i*) There have been a few cases of indiscipline amongst such prisoners.

(*ii*) During 1942, once in the Dacca Central Jail and once in the Berhampore Special Jail.

(*iii*) Once in Berhampore Jail on 19th May, 1942, and once in Dacca Jail on 31st August, 1942.

(*iv*) (1) Berhampore Jail—2 died on the spot and 2 in hospital. Dacca Jail—12 died on the spot and 26 in hospital.

(2) Berhampore Jail 115 and Dacca Jail 155.

(*c*) In Dacca Jail for indefinite detention without trial, for not having the same privileges as are allowed to security prisoners under Bengal Security Prisoners Rule 4 and for having to work like ordinary criminals.

In Berhampore Jail the reason was not clear. The prisoners refused to carry out the prescribed procedure at meal-time and when the Superintendent came to ascertain the reason he was assaulted with brickbats

In Presidency Jail the Jailor was stabbed by a desperate prisoner without any provocation, probably because he had to work which was not to his liking.

(*d*) Yes.

(*e*) The congestion has been relieved to some extent by premature release of ordinary convicts and by the construction of the Berhampore Special Jail.

(*f*) As I have already pointed out, the prisoners of this class have no fixed place of residence or ostensible means of subsistence, and the question of family allowance in their cases should not therefore arise. The question of paying them wages for such work as they are made to do, is under consideration.

(*g*) As I have already stated, such of the prisoners as are able to produce satisfactory guarantee of good behaviour, are released from time to time.

A retired District and Sessions Judge has already been appointed to review the cases of criminal security prisoners.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*) (*i*), will the Hon'ble Minister be pleased to state how long do the Government propose to detain these unfortunate security prisoners who are classed as criminal security prisoners?

Khan Bahadur MOHAMMED ALI: As long as it is necessary in the public interests. It has already been stated that a retired District Judge

has been appointed to review the cases of criminal security prisoners and if it is found safe to release any of them, it will be done.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the Tribunal appointed to go into the cases of security prisoners will be allowed also to look into the cases of criminal security prisoners?

Khan Bahadur MOHAMMED ALI: I would refer the honourable member to answer (*g*).

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the Tribunal has also the power to look into those cases?

Khan Bahadur MOHAMMED ALI: A retired District Judge has been appointed to review the cases.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the reason why the cases of such security prisoners are not put up before the Tribunal and are left to be scrutinised by a retired District Judge?

Khan Bahadur MOHAMMED ALI: Government have appointed a District and Sessions Judge. There is no Tribunal to examine these cases. The District and Sessions Judge will examine the cases of criminal security prisoners.

Treatment of security prisoner Babu Chitta Guha.

172. Babu JNANENDRA CHANDRA MAJUMDAR: (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether it is a fact—

(*i*) that the security prisoner Babu Chitta Guha at present lodged in the Dacca Central Jail has been suffering from various sorts of illness for the last seven months;

(*ii*) that his weight has gone down from 116 pounds to 84 pounds;

(*iii*) that no improvement in his health could be made by the medical treatment in the Dacca Central Jail; and

(*iv*) that the Civil Surgeon, Dacca, as the Medical Officer, Dacca Central Jail, has recommended and written to the Government for his transfer to the Medical College Hospital, Calcutta, for treatment?

(*b*) If the answer to (*a*) (*iv*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he is considering the desirability of having him transferred to Calcutta Medical College Hospital or to some other place for treatment?

(*c*) If so, will the Hon'ble Minister be pleased to state when and where he is likely to be transferred?

(*d*) If not, will the Hon'ble Minister be pleased to state the reasons thereof?

(*e*) Will the Hon'ble Minister be further pleased to state—

(*i*) the present state of Chitta Babu's health;

(*ii*) his present weight;

(*iii*) his weight at the time of his admission into the jail; and

(*iv*) what recommendations the Medical Officer had made to the Government for his treatment?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) The prisoner was losing weight, but nothing abnormal was found on X-ray examination of his chest.

(*ii*) His weight on admission was 107 lbs. and his present weight is 90 lbs.

(*iii*) and (*iv*) Yes, but the recommendation was subsequently withdrawn, as it was found later that the prisoner's loss of weight was due to his voluntary restriction of diet.

(*b*) and (*c*) He was transferred to the Presidency Jail whence he was examined by the Ear, Nose and Throat Specialist of the Medical College Hospitals.

(*d*) Does not arise.

(*e*) (*i*)and (*iv*) The Specialist diagnosed "Allergic Rhinitis" and the treatment advised by him is being carried out at the Dacca Central Jail where the prisoner has since been sent back.

(*ii*) and (*iii*) I refer the honourable member to my reply to (*a*)(*ii*).

Detention of and grant of family allowance to Babu Dwijendra Lal Sen Gupta.

173. Mr. SURENDRA NATH BISWAS: (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that soon after Babu Dwijendra Lal Sen Gupta was arrested under section 129 of the Defence of India Rules and put in Faridpur Jail, a member of the Assembly drew the attention of the then Home Minister and the Additional Secretary of the Home Department to that case; and

(*ii*) that the latter assured that member of calling for further reports before passing final order under section 26 of the said Rules?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether the final order for detention has been passed in that case;

(*ii*) if so, when;

(*iii*) whether further reports were called for and received by Government before the final order was passed;

(*iv*) whether any family allowance has been granted to his wife who is now in an advanced state of pregnancy; and

(*v*) if so, what amount?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) I have no information.

(*b*) (*i*) and (*iv*) Yes.

(*ii*) On 22nd March, 1943.

(*iii*) I am not prepared to give the information in the public interest.

(*v*) Originally an allowance of Rs. 10 per mensem was granted to the wife of the prisoner which has since been increased to Rs. 40 per mensem.

Expenditure incurred by Government servants in Chittagong.

174. Dr. SANAULLAH: Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) how many (*i*) I.C.S., (*ii*) B.C.S., (*iii*) B.J.C.S., (*iv*) higher division clerks, (*v*) lower division clerks, (*vi*) duftries, (*vii*) peons, and (*viii*) other employees were working under the Government in the district of Chittagong in the financial years 1941-42, 1942-43 and 1943-44 with the corresponding total expenditure for the respective years spent on each of the abovementioned categories;

(*b*) the total amount of money spent by the Provincial Government in the district of Chittagong in the financial years 1941-42, 1942-43 and 1943-44; and

(c) the total amount of money spent by the Central Government under various civil heads in the district of Chittagong in the financial years 1941-42, 1942-43 and 1943-44 through the agency of the Provincial Government?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: The information is not readily available and Government consider that collection of such information would involve an amount of time and labour quite incommensurate with its value.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state which part of the main question may be readily available and which part is such as cannot be readily answered?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: The collection of information asked for in each part will require much labour and in my opinion the labour that will be involved will not be justifiable.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government maintain any account of the amount of sums spent from the Central Government funds made available to the Provincial Government on account of districts and services in districts separately?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I have nothing to add to what I have already said.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if his dose of spirit is such that he cannot answer any question?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: If he has nothing more to add, he should at least get up and show the House that he can stand up before the legislature if not to his constituency.

Mr. SPEAKER: Order, order, Starred Questions.

STARRED QUESTIONS

(to which oral answers were given)

Supply of soaps and sajimati to prisoners for washing of clothing.

*357. **Dr. SHARAT CHANDRA MUKHERJEE:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state if he is aware that in the Suri Jail, ashes are supplied to the prisoners instead of washing soap to clean their clothing?

(b) If the answer to (a) is in the affirmative, is the Hon'ble Minister considering the desirability of replacing the ashes by soap?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir NAZIMUDDIN): (a) Divisions I and II prisoners are allowed soap and Division III prisoners *sajimati* for the purpose.

(b) Does not arise.

Amount sanctioned for test relief work in Faridpur district.

*358. **Maulvi AHMED ALI MRIDHA:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(a) what were the amounts sanctioned for test relief work in the district of Faridpur in each of the years 1942-43 and 1943-44;

(b) how much of the same were allotted to the different subdivisions of the district in each of the above two years;

(c) how much of the allotted amounts were spent in each subdivision in each of the year referred to in (a);

(*d*) what were the staff provided for execution of the work; and

(*e*) what were the expenditures incurred on salaries and travelling allowances, house-rent and other incidental expenditures for maintenance of the staff for each of the years for each of the subdivisions?

The Hon'ble Mr. TARAK NATH MUKERJEA:

	Rs.
(*a*) 1942-43	65,000
1943-44	7,65,000

	1942-43. Rs.	1943-44. Rs.
(*b*) Sadar	15,000	2,43,000
Goalundo	25,000	2,54,000
Madaripur	4,000	93,000
Gopalganj	1,000	1,75,000
	45,000	7,65,000
Reserve	20,000	..
	65,000	..

	1942-43 Rs.	1943-44. Rs.
(*c*) Sadar	12,732	1,12,725
Goalundo	21,354	2,14,868
Madaripur	Nil	70,300
Gopalganj	775	1,16,157
	34,861	5,14,050

(*d*) *1942-43.*—Besides utilising the services of the Circle Officers, Special Officers, Debt Settlement Boards and the Jute Regulation Staff, one temporary overseer and three mohurrirs were employed.

1943-44.—Besides the Circle Officers, the Jute Regulation Staff, the staff of the Co-operative Department and the Settlement Kanungos, the following temporary staff was employed:—

Relief Officers	12
Clerks	19
Sub-overseers .. .	8
Mohurrirs	25
Orderly peons	12

1942-43.	Pay. Rs.	Dearness allowance. Rs.	Travelling allowance. Rs.
(*e*) Sadar	127	..	..
Goalundo	..	..	..
Madaripur	..	..	..
Gopalganj	..	..	..
Total ..	127	..	..

1943-44.	Pay.	Dearness allowance.	Travelling allowance.
	Rs. a.	Rs. a.	Rs. a.
Sadar ..	.. 3,959 14	1,614 7	1,029 5
Goalundo ..	.. 12,021 4	1,824 8	1,151 5
Madaripur ..	.. 153 12	45 7	....
Gopalganj ..	.. 458 7	119 15	23 5
Total	.. 16,593 5	3,604 5	2,203 15

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister be pleased to state whether in the year 1943-44, the expenditure was on account of the temporary staff or it includes the permanent staff as well?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice.

Mr. MIRZA ABDUL HAFIZ: With reference to answer (*b*) will the Hon'ble Minister be pleased to state whether the whole amount of Rs. 7,65,000 that was allotted for the test relief work in all the subdivisions was actually spent?

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, the answer (*c*) shows the amount that was actually spent.

UNSTARRED QUESTION

(answer to which was laid on the table)

Increase in death rate over births in Chandibarpur Union, Jessore.

175. Mr. A. M. A. ZAMAN: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the death rate in the Chandibarpur union, police-station Narail, district Jessore, is increasing day by day in comparison with the birth rate?

(*b*) If so, what steps, if any, have been taken by the Government to prevent death rate?

(*c*) If not, why not?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) the number of deaths; and

(*ii*) the number of births

in the Chandibarpur union, police-station Narail, district Jessore, year by year, from 1937 to 1943.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: (*a*) Yes.

(*b*) *Vide* reply to clause (*b*) of starred question No. 337 on 23rd May, 1944.

(*c*) Does not arise.

(*d*) A statement is laid on the Library Table.

Mr. ATUL KRISHNA GHOSE: On a point of order, Sir. I would like to know through you, Sir, whether the Hon'ble Minister can give a reply like this, with reference to question (*b*), namely, "*Vide* reply to clause (*b*) of starred question No. 337 on 23rd May, 1944". Sir, it is only fifteen minutes before the Assembly meets that we get these question papers, and is it humanly possible, intellectually possible and physically possible to go into all these replies of some question of some distant date and understand the position?

Mr. SPEAKER: The position is this, that ever since I have been in this House I have seen answers being given in this way. I do not know if any exception has ever been taken to this.

Dr. NALINAKSHA SANYAL: Sir, we have always taken exception to that, but ours has been always a cry in the wilderness.

Mr. SPEAKER: I will look into the matter.

Mr. ATUL KRISHNA GHOSE: With reference to reply (*a*) will the Hon'ble Minister be pleased to state what are the reasons of this increase in the number of deaths in that particular union with regard to which the Hon'ble Minister has been pleased to reply "Yes"?

Khan Sahib HAMIDUDDIN AHMAD: High death rate is due to epidemics, malaria and other diseases.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state how many people died of malaria?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state how many people died of epidemics?

Khan Sahib HAMIDUDDIN AHMAD: I want notice. But may I know, of what epidemic?

Mr. ATUL KRISHNA GHOSE: You gave a reply and you do not know, what you are replying?

Dr. NALINAKSHA SANYAL: On a point of order, Sir. I have looked up my file from where I find that starred question No. 337 was not replied on the 23rd May.

(Cries of "Shame" "Shame" from the Opposition Benches.)

Mr. SPEAKER: I will look into the matter.

Dr. NALINAKSHA SANYAL: Sir, this question may be held over till the investigation is made. It is very wrong to refer to an old answer, particularly to an answer about the date of which the Hon'ble Minister is not sure. My recollection is that this question was held over on that date. As on that day there was a short sitting in the morning, we had to carry over the business till the following day.

Mr. SPEAKER: I will look into it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that in Narail subdivision, the epidemics of cholera and smallpox have been responsible for an unprecedented increase in the number of deaths?

Khan Sahib HAMIDUDDIN AHMAD: Sir, this question relates to one particular union. So I submit, this question does not arise.

Dr. NALINAKSHA SANYAL: I have taken the whole subdivision and I think the union is included in that.

Mr. SPEAKER: Dr. Sanyal, this question relates to a particular union. So your supplementary question relating to the subdivision does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the figures of deaths from cholera and smallpox in the Chandibarpur union during the year 1942-43?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the increase in the death rate over birth rate in

that area from 1937 to 1943 has been systematically due to larger number of deaths from preventible diseases?

Khan Sahib HAMIDUDDIN AHMAD: Death rate is not necessarily high in all the years, but in some years it is.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what are the principal causes of death in that area?

Khan Sahib HAMIDUDDIN AHMAD: Malaria.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what steps were taken by the Government to prevent abnormal number of deaths from malaria in that union?

Khan Sahib HAMIDUDDIN AHMAD: It has already been replied in (*b*).

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what quantity of quinine was given per head in the union in the year 1943?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the amount of quinine permitted per head was far short of the minimum requirements recommended by even a quack medical practitioner to prevent malaria?

Mr. SPEAKER: You have got nothing to do with quack medical practitioners

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether it is a fact that quinine given per head was extremely short in that union?

Khan Sahib HAMIDUDDIN AHMAD: No such complaint of shortage of quinine supplied per head has reached Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have received complaints from the member who has asked this question regarding short supply of quinine in that area?

Khan Sahib HAMIDUDDIN AHMAD: It may be short supply of quinine in that area but it is not short supply of quinine per head

Mr. ATUL KRISHNA GHOSE: Is it a fact that the quantity of quinine that the Government distributed in that area amounts to nothing more than three dozes of quinine within the period of one week—nothing more, nothing less?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Mr. SPEAKER: Questions over.

Posting of police force within the Assembly compound.

Mr. SPEAKER: An enquiry has been made about the police force within the compound of the Assembly, and the report that I have received is as follows: An extra police force has been posted outside the buildings by the order of the Commissioner of Police; inside the compound the regular number that is kept day to day has been kept.

Khan Bahadur MOHAMMED ALI: By "outside the buildings" you mean outside the compound?

Mr. SPEAKER: Outside the premises. I asked my Secretary to depute the First Assistant Secretary to enquire into the matter. The First

Assistant Secretary enquired of the Chief Inspector on duty in the premises, and the Chief Inspector on duty has supplied this information.

Mr. ATUL KRISHNA GHOSE: Sir, I would like to state that at the time of my entrance I found more than 50 extra police forces within the compound and more or less 100 police forces outside the compound, and after putting this question I went outside again and to my surprise I found that all extra police forces had been removed from the compound. Under these circumstances, I would like to say one thing through you, Sir, to Sir Nazimuddin that in spite of all our differences with him as Chief Minister, I have got the highest regard for him as a gentleman. Let Sir Nazimuddin as a gentleman, say whether the extra police force was requisitioned within the compound, and if it was requisitioned whether it was requisitioned without his knowledge. Let him enquire under whose instigation or instruction this extra police force was posted inside the compound and under what circumstances mysteriously this police force was removed within 15 or 20 minutes. As a gentleman I put this question to Sir Nazimuddin through you, Sir.

Mr. ATUL CHANDRA SEN: Even if the police force has been stationed outside the House and not inside the House, may I ask the Hon'ble the Chief Minister whether he is in a position to enlighten the House as to the reasons of this demonstration of the police force outside.

Mr. SPEAKER: It is not for me to allow the discussion about it in this House. The Leader of the Opposition can meet the Leader of the House outside the chamber and have a talk if there is a misunderstanding about this matter.

Mr. ATUL CHANDRA SEN: On the other hand, I maintain that I and this House have a right to ask the Chief Minister through you whether he is in a position to enlighten the House.

Mr. SASANKA SEKHAR SANYAL: Don't you have as the Speaker a right and duty to enquire of the Chief Minister why the Speaker and the House has been so surrounded and cordoned?

Mr. SPEAKER: I do not know if I have got any authority to say anything with regard to matters outside the premises, and whatever this House or I may like, I doubt whether I have got a right as a Speaker to ask anything of the Hon'ble Home Minister about this affair.

Mr. ATUL KRISHNA GHOSE: Mr. Speaker, I would like to submit to you, Sir, this. You say that you have got no jurisdiction outside this House, but I would like to state that during the last no-confidence motion when the members' lives were very miserable and some members were assaulted, the then Speaker the then Khan Bahadur and now Sir Azizul Haque gave protection to the members and gave accommodation within the House to protect them from hooligans. So it is not fair or just to say that you have got no jurisdiction outside the House. I did not expect this of you to say that you as a Speaker have got no jurisdiction or no business to enquire what happens outside the House. You have surely got the right to ask the Chief Minister. Whether you would ask him or not, of course it is left to your discretion.

Mr. SPEAKER: That is a matter which hinges upon the powers and privileges of the Speaker and of this House. Unfortunately, as far as I have been able to see there is absolutely nothing which makes that position clear. There is no Privileges Act passed by this House as yet. It may be long overdue. If that had been done I could have looked up at once and I could have seen what the rights and privileges of the Speaker of the House and of the individual members are and then if I found that I have got any authority to enquire I could have made necessary enquiries and could have taken necessary steps. That is all I should like to tell the House.

Mr. KIRON SANKAR ROY: *Mr. Speaker, may I ask the Hon'ble the* Home Minister whether it was with his knowledge and under his instructions that the Commissioner of Police posted extra police force within the ground of this House, and, Sir, I would like the Hon'ble the Home Minister to say what was the danger which threatened this House which necessitated this demonstration of police force?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I thought you will maintain the parliamentary practice and not call upon me to answer this question. If a short notice question is put on this subject I will be able to reply.

Mr. ATUL CHANDRA SEN: Why take shelter under technicalities?

Mr. SANTOSH KUMAR BASU: Sir, you were pleased to suggest that the Leader of the Opposition should meet the Hon'ble the Home Minister outside the House and try to ascertain from him the real reason. On the other hand, may I suggest that the proper course ought to have been for the Leader of the House to take the House into his confidence and to disclose the real reasons before any questions were put to him.

Mr. SPEAKER: I think I have given you the information that you required.

Adjournment motion.

Dr. NALINAKSHA SANYAL: Mr Speaker, I gave notice of an adjournment motion on the order of Government for removal of three teachers of the Brajo Mohan College, Barisal.

Mr. SPEAKER: I cannot allow you to read that.

Dr. NALINAKSHA SANYAL: I want your consent.

Mr. SPEAKER: I cannot allow you to read in the House an adjournment motion for which I have refused consent.

Dr. NALINAKSHA SANYAL: Why should you? (Laughter from the Coalition benches). It is not a matter of joke. It is a question of my right. The Speaker has to act according to rules. I submit that I have given you duly notice before 12 o'clock and I have explained the position in an accompanying note as required under the rules. I have complied with all the rules and the motion that I have drafted does not infringe any of the rules of the Assembly Procedure Rules on which the Speaker takes his decision. I am today entitled to know if I shall have your consent now to move this motion or beg leave of the House to move this motion today. If it is not given, then I am entitled to know the reasn why you have thought fit to withhold your consent so that if necessary I may repeat my motion tomorrow with necessary corrections. If you have found my motion defective in any particular respect I should have an opportunity to correct myself. After all, the Speaker is there to guide the House, to help members and not merely to act as a police chief in the House.

Mr. SPEAKER: Dr. Sanyal, I quite understand your anxiety to move an adjournment motion. In fact, if you had not been serious, certainly you should not have sent in your motion, but I have disallowed it and you have now called upon me to state the reasons for which I have disallowed it.

Dr. NALINAKSHA SANYAL: I have sought your consent.

Mr. SPEAKER: That means my consent has been refused and you now want to know in the House why my consent was refused.

Dr. NALINAKSHA SANYAL: If you give me the consent I do not want to know the reasons.

Mr. SPEAKER: *In other words it means this that either I must give* you consent or I must satisfy every member——

Dr. NALINAKSHA SANYAL: Not every member but the member who has given notice of an adjournment motion.

Mr. SPEAKER: It means that I must satisfy you.

Dr. NALINAKSHA SANYAL: It is no question of satisfying me. I may not be satisfied with your reasons but still I want the reasons. They will be helpful to correct me.

Mr. SPEAKER: It will be a dangerous thing if the Speaker is called upon to give reasons for his allowing or disallowing or for giving his consent or withholding his consent. If this principle is once accepted, then the business of the House will come to a standstill. As I understand the function of the Speaker, the Speaker is not at all called upon to give any reason whatsoever for his action. I have, of course, on important occasions given reasons which have appealed to me and the reasons for which I have taken a decision——

Dr. NALINAKSHA SANYAL: How can I, otherwise, correct myself?

Mr. SPEAKER: It is not a school where I am teaching boys about procedure. If you feel that you can send in another motion, you can do so. You are at perfect liberty to do so. You can send in a motion and it will be examined afresh and it will be seen whether I can give you my consent or I should withhold my consent.

Dr. NALINAKSHA SANYAL: In all fairness to you, Sir, am I not entitled to know in what respect my motion is defective (cries of "No, no" from the Ministerialist benches) so that I can correct my drawbacks and renew my request to you. I submit that the motion that I sought to move was very clear and very short. It relates to one matter; it does not infringe the rules in any way; it relates only to the interference of Government in the appointment of teachers to a certain college. It relates to a starred question and I can show you—I have got with me—two authorities——

Mr. SPEAKER: Dr Sanyal, will you kindly resume your seat? I know and I think perhaps you know—why do I think; I take it that you know the rules on the subject perfectly well. But I have given a decision in the House. It is open to the House to ask for my permission to discuss that ruling, and if I give the permission the House can discuss it. On important occasions and when an occasion like that arises and if an honourable member of this House rises in his seat and asks for my permission whether I would give permission to discuss an important ruling, well I will consider the case on the merits of that particular occasion. But so far as this particular question of withholding consent is concerned, if you want to say anything I would ask you to see me in my Chamber and I would be prepared to discuss this matter with you.

Dr. NALINAKSHA SANYAL: As a matter of fact I have actually got the rules with me.

Mr. SPEAKER: I cannot allow you to discuss that here.

Dr. NALINAKSHA SANYAL: Sir, I have already placed before you my must humble and most reasonable request that you would be pleased to give me the consent immediately after question time and if you do not give me the consent then, Sir, my painful duty will be to request you to kindly give me the necessary permission to debate your ruling refusing consent. Will you kindly give me that permission?

Mr. SPEAKER: So far as this particular matter is concerned, I think the best course for you would be to see me in my chamber and then if you

think that it is necessary and if you still persist you can come to the House again tomorrow and I will consider then what I shall do.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. May I refer you to a ruling which was given in the Central Assembly by the Hon'ble President Mr. V. J. Patel? He said that in the case of adjournment motions although it is not necessary for the President to state reasons but the general practice is that he states the reasons. Although the rule is that he need not state reasons, still as a matter of general practice and as a matter of precedent he usually and almost in every case gave reasons. I presume your department is aware of Patel's rulings. So far as I am aware, the present President of the Central Assembly also almost in every case gives reasons. It is the practice in the Central Assembly to give sufficient reasons.

Mr. SUKUMAR DUTTA: It is absolutely a new departure on the part of the Speaker?

Mr. SPEAKER: I think I have made my position quite clear. So far as the precedents quoted above of other Assemblies or Parliaments are concerned, I should like to say at once that no Speaker is bound by the decision of any other Speaker and furthermore no Speaker is bound by any decision ordinarily speaking to follow any decision given by any other Speaker.

But here the point is quite different I have withheld consent. Some reasons have been asked for.

Dr. NALINAKSHA SANYAL: I have only asked for your consent.

Mr. SPEAKER: You have asked for consent and I have refused it, and if you see me in my chamber I will tell you what I have got to say.

Dr. NALINAKSHA SANYAL: I do not want this in a hide and seek manner. I want in public to exercise my right as a member to raise a very important matter of public importance. I have authority to show that this kind of adjournment motion has been permitted by the Speakers elsewhere.

Mr. SPEAKER: I have not permitted you to discuss and still if you just insist on discussing it that will be against my direction and what I am asking you to do. I am not prepared to accept that the Speaker is bound to state reasons. As I have said already, once this principle of stating reasons is accepted, conducting the business of this House will be simply impossible. I gave you an opportunity to discuss this matter in my chamber. It appears that this is not satisfactory to you. (Dr. Nalinaksha Sanyal: No.) If that is not satisfactory to you, I can give you in this case my reason, because I know it—I passed orders only a few minutes ago—I can give it. But I think after an insistence like this that may be taken as a precedent in future. You may think that if you insist you can get the reason. That is why I do not like that I should state the reason here.

Dr. NALINAKSHA SANYAL: I want your consent more than the reason.

Mr. SPEAKER: It is not that I am withholding the reason from the House. The reason is clear. It cannot be done. Once it is done, the business of the House will become impossible.

Mr. SASANKA SEKHAR SANYAL: On a point of order, Sir. Do you think that it would offend the dignity of the Chair if reasons were given for a particular decision withholding consent.

Mr. SPEAKER: It is far from me to suggest that. Dr. Sanyal, in order to minimise this waste of time, I can at once tell you that apart from other considerations into which I need not enter your motion was only anticipatory. That itself was quite sufficient to rule it out of order.

Dr. NALINAKSHA SANYAL: On a point of order, Sir——

Mr. SPEAKER: No point of order arises on my statement. Will you kindly resume your seat?

Dr. NALINAKSHA SANYAL: Sir, I am surprised that you should be stating——

Mr. SPEAKER: I am not going to allow you to discuss that. I have given you the reason. That is enough.

Dr. NALINAKSHA SANYAL: Sir, I want to invite your attention to——

Mr. SPEAKER: Excuse me Dr. Sanyal, but you are now approaching disorderly conduct.

Mr. ATUL KRISHNA GHOSE: On a point of order, Sir.

Mr. SPEAKER: No point of order arises in this connection.

Mr. ATUL KRISHNA GHOSE: Sir, you say that no point of order arises on your statement, but if I put something with regard to your statement which the House has not been able to understand——

Mr. SPEAKER: That is discussing the decision. Will you kindly resume your seat? When I am on my legs, it is only fair that you should resume your seat.

(The Hon'ble Khwaja Sir Nazimuddin rose to speak.)

On statement by the Leader of the House.

Dr. NALINAKSHA SANYAL: On a point order, Sir.

Mr. SPEAKER: Point of order about what?

Dr. NALINAKSHA SANYAL: About the business of the day

Mr. SPEAKER: I think Sir Nazimuddin gave notice of some matter to the Leader of the Opposition.

Mr. A. K. FAZLUL HUQ: I received no notice.

Mr. FAZLUR RAHMAN: To the Leader of the Opposition I communicated verbally.

Mr. SPEAKER: The position is this. The other day I said that if a matter which was not in the list of business was sought to be introduced it should be introduced just after question time. My permission should be taken and the leaders of parties informed. That I think is known to members.

Dr. NALINAKSHA SANYAL: That I know. But nothing like that appears to have been done.

Mr. SPEAKER: Here Sir Nazimuddin took my permission about a matter.

Mr. KIRON SANKAR ROY: About what matter?

Mr. SPEAKER: I am not here to refer to it.

Mr. A. K. FAZLUL HUQ: Mr. Fazlur Rahman spoke to me sometime ago that Sir Nazimuddin was going to make a certain statement, but nothing today. That matter ended that day. It could not be taken as a notice for all time.

Dr. NALINAKSHA SANYAL: On a point of order, Sir.

Mr. SPEAKER: What is your point of order?

Dr. NALINAKSHA SANYAL: My point of order is this. If you give consent to introduce any new matter in the House today before the appointed business is gone into, we would like your consent to be impartial. We would like to place the Speaker above all party controversies and we should not like the Speaker to be the handmaid of the Government. If the Speaker has permitted the Government to make any statement on any matter we would crave your permission to permit that matter to be fully debated immediately after the Leader of the House has made his observations.

Mr. SPEAKER: The position as far as I know the constitutional law and procedure is that the Leader of the House and the Leader of the Opposition can make a statement practically at any stage except of course that it must be without upsetting the whole business of the House.

Dr. NALINAKSHA SANYAL: That is the convention on emergent matters.

Mr. SPEAKER: Sir Nazimuddin told me that he wanted to mention a matter with regard to certain incidents that took place in this House. I said "I have got no objection to your mentioning, but you must give notice to leaders of parties" and I was given to understand that due notice was given.

Mr. SANTOSH KUMAR BASU: To whom?

Mr. SPEAKER: That was what I understood from what he told me. This matter was to have been mentioned on Friday. We were engaged in a discussion with all the leaders. This was also mentioned to me by Sir Nazimuddin as to whether his failure to make that statement in the House on that occasion would debar him from making his statement in future. I told him this: "So far as I am concerned I would not stand in your way". That is where the matter stood. If you have got any objection you can certainly say that you have got valid reasons not to allow him to make a statement today. So far as I am concerned he has got my permission.

Dr. NALINAKSHA SANYAL: May I make our position clear? We do not want to stand in the way of the Leader of the House or the Leader of the Opposition making any important statement or announcement at any stage. We want to abide by the Parliamentary convention that the Leader of the House and the Leader of the Opposition should be permitted to make statements on important issues whenever they like. But Sir, here certain previous conditions were imposed by you. In all fairness the conditions ought to have been complied with. One of the conditions was that the leaders of the Opposition groups should be informed of the matter. (A voice: Only the Leader of the Opposition should be informed.) If the Leader of the Opposition was duly informed of the matter, he would have probably communicated to the various groups in the Opposition in due course. But that has not been complied with. The Leader of the Opposition has already stated today that he was not informed of any proposed statement or the content or purpose of the nature of the statement that was going to be made to enable him to consult other colleagues of his in the Opposition. In the circumstances even if you allow the Leader of the House to make any statement we do not want to stand in his way. All that we seek is your similar permission to the Opposition to make statements or to debate on that statement or that particular motion in any relevant manner which you may think fit to allow on this occasion. Either the statement must be thrown open to debate or there should not be any statement of any character. Either you allow the Government certain privileges and extend similar privileges to the Opposition or you do not allow any privilege to either side.

Mr. KIRAN SANKAR SOY: I want to support Dr. Sanyal.

Mr. SPEAKER: The Chief Minister wants to say something. You may make your observations later.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am prepared to bring in this question after giving due notice to the leaders on the other side on the distinct understanding that when this question was agreed upon in the House by the Speaker as to how the statements could be made the Speaker laid down that there would be a statement from the Leader of the Opposition or the Leader of the House and that it would not be debated upon. That is the Parliamentary practice and that was what was agreed upon.

Mr. PRAMATHA NATH BANERJEE: *Where is that Parliament situated?*

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable members to the proceedings of that day when this question was first mentioned by me and the ruling that you gave on that day.

Dr. NALINAKSHA SANYAL: What was the ruling and what was the question?

The Hon'ble Khwaja Sir NAZIMUDDIN: In any case, in view of the opposition that has been made to my statement today I will bring it up tomorrow after question time after giving due notice to the leaders of various parties.

Mr. SANTOSH KUMAR BASU: So far as I understand there is no objection to the Hon'ble Chief Minister making his statement even today but what is being insisted upon is that it must be thrown open for debate because it is going to be of a controversial nature. Whatever the nature of that statement may be we must have the right to discuss that statement. We do not want the statement to be put off till tomorrow.

Mr. KIRON SANKAR ROY: Let the statement be made after prayer interval.

The Hon'ble Khwaja Sir NAZIMUDDIN: I will bring it up tomorrow.

(At this stage the House was adjourned for 15 minutes for prayer.)

(After adjournment.)

GOVERNMENT BILL.

Bengal Secondary Education Bill, 1944.

Mr. SANTOSH KUMAR BASU: Sir, with regard to the business which we find as the first item in the Order Paper—the business remaining from the 25th—I have got to make certain submissions. You may probably remember that on the last occasion under somewhat exceptional circumstances you adjourned the House. Now, I would draw your attention, Sir, to rule 46 of the Bengal Legislative Assembly Procedure Rules under which you acted on that day. I would draw your attention to the terms of that rule once again in order that you might consider the position which at present holds good. Now, that rule is in these terms: "When any motion is under discussion, any member may move 'that the question be now put', and unless it appears to the Speaker that the request is an abuse of these rules or an infringement of the rights of reasonable debate or of the rights of the opposition, the question 'that the question be now put' shall be put forthwith without debate thereon. If such motion be carried, the question shall be put accordingly, provided that the Speaker may, unless the time, if any, allotted to the original motion is thereby exceeded, permit the mover of such motion to exercise such right of reply as provided in these rules."

Now, Sir, on the last occasion what took place, if I can refresh your memory, is this——

Mr. SPEAKER: Mr. Basu, may I know what are you speaking on. That is the first thing that we are to decide.

Mr. SANTOSH KUMAR BASU: I am speaking on this, Sir, that the debate should continue so far as the first reading of the Bill is concerned; and I am only making my submission to show why this debate is to continue and is still continuing. Well, Sir, if you do not desire me to give any reasons, I shall proceed to make my speech because it was agreed on that day that I should be the next speaker. This is my speech.

Mr. Speaker, Sir,——

Mr. SPEAKER: Mr. Basu, will you kindly resume your seat? The question that has got to be fist decided is, whether that consideration motion moved by the Hon'ble Minister in charge of the Education Department and the amendments moved thereto are yet open to discussion. That is the real point. If that is yet open to discussion, certainly members may rise in their seats to catch my eyes and I may or may not permit a particular member or members to speak.

Dr. NALINAKSHA SANYAL: We do not know, Sir, why you are threatening.

Mr. SPEAKER: I am not threatening. In fact, I am really sorry that the debate took a very unpleasant turn.

Dr. NALINAKSHA SANYAL: It was not unpleasant; it cannot be unpleasant to you.

Mr. SPEAKER: It was certainly so unpleasant to me and to a large section of the House.

Dr. NALINAKSHA SANYAL: It might be unpleasant to a traitor but no decent gentleman was to be sorry.

Mr. SPEAKER: Dr. Sanyal, I am sorry, this is again a reflection on an honourable member of this House. I hope you will not cast any reflection like that in future.

Now, what I was going to say is, if the subject matter is yet open to discussion, certainly members may rise in their seats, may catch my eyes and may or may not be permitted to speak. Referring to the remark made by Dr. Sanyal about threatening, I may tell you that there is no question of threatening. In fact, I was going to say that I was really sorry that the debate took the turn it had taken. As I have seen, this was the culmination of certain irregularities in conducting debate. We have followed a certain procedure in this House, of conducting debate, which on close reading of the rules, I find, is not strictly according to the rules. If the Speaker had followed the rules strictly about the debate, I think there might have been opposition but the opposition would have been perhaps less. Therefore what I am now impressing upon Mr. Basu is, first of all to impress upon himself and upon the House whether the matter is still open to discussion.

Mr. SANTOSH KUMAR BASU: That is what we are trying to do. I am much obliged to you——

Mr. SPEAKER: That is exactly the point at issue, whether it is still open to discussion or not. Now, if it is already closed, no question of further debate arises.

Mr. SASANKA SEKHAR SANYAL: The debate was never closed; it is still open.

Mr. SPEAKER: If the debate is closed, you cannot speak; if it is not closed, then you can speak. That is the real point.

Dr. NALINAKSHA SANYAL: On that issue, Sir, may I submit that you will be pleased to give us a hearing before you give your decision on that very issue.

Mr. SPEAKER: Dr. Sanyal has raised a very pertinent question, and perhaps that is the only question that can arise on a point like this. He said that before I gave my ruling he should be given a hearing. In other words, I take it that he asks for permission to discuss the ruling of that day.

Dr. NALINAKSHA SANYAL: No, no. But before you give your ruling on this issue of closure, we want to submit our points so that you may be pleased to consider those points.

Khan Bahadur MOHAMMED ALI: That is a question of fact and not of ruling.

Mr. SANTOSH KUMAR BASU: Mr. Speaker, Sir, I am very much obliged to you for having clarified the issue in the way that you have done. If the debate has been closed, certainly there cannot be any question of continuing the debate. If, on the other hand, the debate has not been closed, those members who have not spoken or at least the Leaders of the different parties in Opposition and also the Leader of the European Group if he so chooses, will have the full right to speak.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. There is a third aspect. The issue that you have raised has got three different and distinct aspects. Two aspects have been placed. The third aspect is whether, if the closure at all has been done on that day, that closure continues on the following day.

Mr. SANTOSH KUMAR BASU: I am coming to that. I am very much obliged to my friend Dr. Sanyal for anticipating a part of my submission. I am going to make that submission also.

So far as the proceedings of the last day were concerned, you will remember that a certain Minister was not given a very favourable hearing and there were certain members in the House who were not in a mood or in a position to give a very quiet, docile and meek hearing to that Hon'ble Minister. The result was that the Hon'ble Sir Nazimuddin stood up and said that this Hon'ble Minister not having been given a hearing, when the Leaders of the Opposition would rise to address you, members of his party would behave in the same manner and there might be absolute chaos. Now, it was that threat and that threat alone which weighed with you in deciding that the closure motion should be put to the vote at once. (Mr. FAZLUR RAHMAN: It is a reflection on the Chair.) It is not a reflection on you, Sir. It is my submission. You will be pleased to remember——(Khan Bahadur Mohammed Ali: This is a false statement.) Sir Nazimuddin's Parliamentary Secretary says that it is a false statement. If he says that Sir Nazimuddin did not say so, he ought to run up to his Leader and find out what exactly he did. If he says that he did not say so, I would say that would be a false statement. Can he face that?

On the other hand, you, Mr. Speaker, arrived at a decision and whatever that decision was—if you at all arrived at any decision in the midst of the din, bustle and turmoil for Sir Nazimuddin having given out that the debate would not be allowed to continue by the members of his party and that there would be absolute chaos—it was that which led you to adjourn the House.

Now, Sir, I do not know whether it was open to Sir Nazimuddin to hold out a threat of that character and whether it was open to you to have taken notice of such a threat. If I may say so with the greatest humility, you should have allowed members to speak and exercise their undoubted right and then if occasion arose—if there was any disturbance—you ought to have

dealt with the situation according to rules. Instead of doing that, you anticipated the position. (Mr. Fazlur Rahman: Is he discussing the Speaker's ruling?) Sir, my submission to you is that so far as the closure is concerned, there was no occasion for the closure to be moved at that stage.

Mr. SPEAKER: Will you sit for a moment? The point as I have understood is do you take it that I ordered the closure or do you challenge that the closure was carried or what is your point about facts? If the closure motion had been carried, you cannot go on talking. You can, with my permission, discuss my ruling—that is another matter.

Mr. SASANKA SEKHAR SANYAL: It is a mixed question of both law and fact.

Mr. SANTOSH KUMAR BASU: Sir, my point before you is this. If the closure motion had been carried about which we have never heard anything from this side of the House, my submission is that you will be pleased to reopen this matter for reasons I am just going to discuss. On the other hand, if the closure motion was not carried as we maintain it was not carried as we never heard anything of that kind being declared by the Chair—if the closure motion was carried—I will proceed on that assumption for the time being—I will ask you to reopen that decision for this reason, the reason being that the requirements of this rule were not complied with. This is my humble submission to you.

Mr. FAZLUR RAHMAN: This is a hypothetical question. Sir, let us have your decision whether the closure was carried or not.

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. Is the Chief Whip of the Government entitled to address you from his seat sitting? Certainly not

Mr. SPEAKER: As I have understood from what has been stated by Mr. Basu, he challenges two facts

Dr. NALINAKSHA SANYAL: Not challenges, he enquires.

Mr. SANTOSH KUMAR BASU: Sir, if there has been any misunderstanding, you will allow me to complete my sentence.

Mr. FAZLUR RAHMAN: Sir, let us understand your decision as to whether the closure motion was carried.

Mr. SANTOSH KUMAR BASU: Sir, kindly stop the interruptions. So far as your decision on the last occasion is concerned, I think I am entitled to say that we on this side of the House did not hear the declaration of that decision. That is a statement of fact. Now, if you still think that a declaration was made by you and if we abide by that decision today, my submission to you would be that that decision should be reopened for the reasons which I am humbly submitting before you which I am entitled to do. Secondly, even if you think that you cannot reopen that decision with regard to the closure motion and if you think that that decision has been made and declared, my submission to you would be that under the rules the question cannot be put today. That is my second argument and I can make my submission for the purpose of convincing you immediately if I am allowed a chance. Now, so far as the decision of the last day is concerned which you probably think you have declared, my submission would be that there was an infringement of the rules of reasonable debate and also infringement of the rights of the Opposition for this reason You will remember that a number of days was taken up for the purpose of making the points of view of different members clear on the Secondary Education Bill. So far as party points of view were concerned, it remained for the leaders of the different parties to make the position of their respective parties

clear. You cannot expect that individual members of a party can or are entitled to represent the point of view of the party, however, brilliant their exposition may be with regard to the clauses of the Bill. So far as the party point of view is concerned,—and the Opposition does claim their right of representing the party point of view through their respective leaders—that was never placed before the House. So far, therefore, as the rights of the Opposition are concerned, they were certainly not exercised in the way that the Opposition had the right to exercise them. That is my first submission, and from that point of view the rights of the Opposition were infringed and the requirements of rule 46 were not complied with. In these circumstances, I would respectfully ask you to reopen your decision if any was made and declared that day, for the simple reason that the reason which was held out by the Hon'ble Khwaja Sir Nazimuddin for moving his closure motion was that there might be disturbances, there might be a row and the Opposition leaders would be disturbed and interfered with and howled down, and because of that there might be an absolute chaos, and as such, you should close the debate. I should have thought that the Leader of the House should not have anticipated that the members of his party would ride roughshod over the rules, that they would create an absolute chaos in this House. I should have thought that he should be the last person to put that forward as a reason for closing the debate. If he cannot keep any control over his own followers he can certainly appeal to the Speaker and help him to do so. On the other hand, he suggests to the Speaker that because members of his party will ride roughshod over the rules, they will defy the Chair and bring about an absolute chaos, therefore the rights of the Opposition must be infringed and the leaders of the parties must not be allowed to speak. That was the position which was deliberately adopted on the floor of the House for the purpose of supporting his motion for closure and that, Sir, I think prevailed with you, if it has ever prevailed. I would, therefore, submit that it was most absurd—with utmost respect to him—on the part of the Leader of the House to press the closure motion before any of the leaders of the Opposition parties except the Leader of the Opposition has had an opportunity to speak and before even the Hon'ble Minister has had a chance to reply. In these circumstances, I think the fundamental requirements of rule 46 were not complied with and although I do not blame you for having come to a decision, if you have come to a decision at all, in the hurry and bustle and turmoil which prevailed in the House that day, I hope that on a calmer, cooler and more dispassionate consideration of this matter you will come to this decision that the rights of the Opposition have been hopelessly infringed if the closure motion has been allowed to be moved and carried. That is my first submission and I hope you would have no hesitation in reopening the matter and giving the leaders of the Opposition a chance to speak on it.

Secondly, even if that motion was carried, Sir, what was the motion which was carried according to the Leader of the House and according to you if you hold that view. The motion was "the question be now put". That was some time at about half past six on Thursday last and we are now on Tuesday at about half past six. It will surely be a very long "now", if that question is sought to be put now, unprecedented in the history of the House or in the history of the world. I hope, Sir, you will not insist upon that whatever the reasons were. The question was not put then and the motion which was carried was that the question be now put—not that "the question be put now-a-days". Rule 46 clearly lays down that the debate should be brought to a close immediately the closure motion is put and passed and then the question should be put to vote. But that was not done. Under the circumstances I submit that it will be an infringement of this rule again if that motion is sought to be put now. The wording of the motion was "the question be now put", and it will be a tremendously long "now". That "now" has long elapsed—irretrievably elapsed long long ago. In these circumstances I hope you will not put this motion to vote today.

Dr. NALINAKSHA SANYAL: Sir, I have to make a few observations and submissions in connection with this point of order raised by Mr. Santosh Kumar Basu. In making my submissions I shall try to be helpful to you and to the House as much as I can.

Mr. SPEAKER: Will you kindly resume your seat?

Dr. NALINAKSHA SANYAL: Yes, Sir. I am always submissive (laughter).

Mr. SPEAKER: I am very glad to hear that. I think there ought not to be any confusion of ideas. Let us first of all ascertain what we are speaking about; let us understand the exact position. The first objection, as I have understood it, is that in view of the fact that the closure motion was carried on the 25th and today is the 30th, therefore, that motion, even if carried, has lost all its force, and that should be taken as nothing and we should begin discussion afresh. That appears to be one point of view. That argument is based on the assumption that it was carried. I have understood that point.

There appears to be another point and that is this: even if the closure motion had been carried—it appears to me but I am not quite clear—the matter should be reopened. (Mr. SANTOSH KUMAR BASU: That was my first submission.) Now these things apart there is the third aspect, viz., the closure motion has not been carried at all. I think these are the only points or are there other points also?

Mr. KIRAN SANKAR ROY: There are other points also.

Mr. SPEAKER: Then I think it will be better——

Dr. NALINAKSHA SANYAL: For you to wait till I submit my points of view.

Mr. SPEAKER: I hope, Dr. Sanyal, you will put your points precisely and as briefly as possible. I expect this from you. It is not desirable that on matters like this there should be any prolonged discussion. I hope you will confine yourself to the points only.

Dr. NALINAKSHA SANYAL: I would certainly try to be as brief as circumstances would permit me and as the importance of the subject matter would require. Sir, the point at issue or rather the points at issue have been many. You have cited three of such points. The first is whether on a question of fact actually there was any closure motion passed on that evening, and whether you had accepted that closure motion and put it to the House. On that point, Sir, we submit from this side that a question of fact of this character leaves little room for discussion. But the Speaker is the custodian of facts of the House which will have to be ultimately relied upon and I want you to go behind and find out whether the Speaker was properly guided or was misguided in this respect. Without meaning any disrespect to the Speaker, I want——

Mr. SPEAKER: In other words, you want my permission to discuss my direction about this matter.

Dr. NALINAKSHA SANYAL: Yes.

Mr. SPEAKER: You cannot discuss it without my permission.

Dr. NALINAKSHA SANYAL: If it is stated by you that you have to rely upon facts, then I seek your permission to submit to you some points relating to that direction that you had given. In this connection, Sir, I have to invite——

Mr. SPEAKER: It is better not to go into hypothetical things, but I give you permission.

Dr. NALINAKSHA SANYAL: *Thank you, Sir. I am much obliged. This statement of yours or the putting in of the closure motion to the* House followed an observation by the Leader of the House. He asked you that the closure motion be put not on the ground that there had been ample debate——

Mr. SPEAKER: I hope you will be brief.

Dr. NALINAKSHA SANYAL: I have got to submit to you that this is a matter on which volumes can be written and I have got to refer you to certain very important documents.

Mr. SPEAKER: What are you now talking about?

Dr. NALINAKSHA SANYAL: About the first point of the closure motion. The Hon'ble Chief Minister moved that the question be now put.

The Hon'ble Mr. TAMIZUDDIN KHAN: On a point of order, Sir——

Dr. NALINAKSHA SANYAL: I am not going to yield to the Hon'ble Minister. I am already on a point of order. Let me finish my point of order first.

Mr. SPEAKER: Order, order. There is one thing which I want to say. Strictly speaking you are not on a point of order because you are out to introduce other matters. You remember that.

Dr. NALINAKSHA SANYAL: No, no.

Mr. SPEAKER: I have given you permission to discuss my direction. Therefore when you go out of the way, then certainly any member has the right to rise on a point of order.

Dr. NALINAKSHA SANYAL: He has to wait for his chance.

Mr. SPEAKER: Every member of this House has got the right to rise on a point of order.

Dr. NALINAKSHA SANYAL: I am not going to yield.

Mr. SPEAKER: Order, order.

Dr. NALINAKSHA SANYAL: I yield to you, Sir, but not to the Hon'ble Minister.

Mr. SPEAKER: The point is that if it had been a clear point of order——

Dr. NALINAKSHA SANYAL: I am also on a point of order.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir,——

Mr. SPEAKER: Just a minute.

Dr. NALINAKSHA SANYAL: I am not going to yield to the Minister.

Mr. SPEAKER: Order, order.

Dr. NALINAKSHA SANYAL: I will not yield to the Hon'ble Minister, I stand on parliamentary practice.

Mr. SPEAKER: I know that you will not yield on any question of personal explanation. It is not a point of personal explanation. It is not a question of parliamentary practice. He wants to rise on a point of order.

Dr. NALINAKSHA SANYAL: I am already on a point of order. My point of order is this.

Mr. SPEAKER: Let Dr. Sanyal finish and then the Hon'ble

Dr. NALINAKSHA SANYAL: The Hon'ble Chief Minister submitted to you that the question be now put on the 25th evening not on the ground that there had been enough debate. On the other hand, he had realised that there were three more speakers on his own side, including the Finance Minister himself and the Hon'ble Minister in charge, ready to speak and he knew also that there were on this side of the House leaders of parties ready to speak. So he did not move on the ground that the debate should close because there had been sufficient discussion on this question. His argument was that the question be put because there were some disorders and that if other members of the House wanted to continue with their speeches some of his party men might create disturbance.

Khan Bahadur MOHAMMED ALI: He is repeating.

Dr. NALINAKSHA SANYAL: No, no. I am sorry I have to invite your attention to certain subtle points. I know the capacity of the honourable Parliamentary Secretary, Khan Bahadur Mohammed Ali and your capacity to understand subtle points. I have greater respect for you than I have for Khan Bahadur Mohammed Ali, and I submit to you that the right of putting the closure is entirely for the Speaker. That is limited by three distinct conditions. The first is whether it is an abuse of these rules or not. I find that this has been a definite and gross abuse of the rules because the Chief Minister did not submit his motion on the ground that there was any sufficient debate but on other grounds. It was distinct abuse of the rules regarding closure.

As regards this abuse of the rules I will here invite your attention to the observations made in the House of Commons by Mr. Ashmead-Bartlett, a very distinguished member of the House of Commons on Wednesday, the 8th November, 1882, when this idea of a closure motion was first mooted in the House of Commons and the standing order regarding closure was moved by no less a Prime Minister than Mr. Gladstone.

Mr. SPEAKER: Where are you quoting from?

Dr. NALINAKSHA SANYAL: I am quoting from Hansard (Parliamentary Debates), Third Series, Vol. CCLXXIV, 24th October, to 23rd November, 1882, pages 1028 and following.

Sir, the main question before the House of Commons put by Mr. Gladstone was this: "That when it shall appear to Mr. Speaker or to the Chairman of Ways and Means in a committee of the whole House during any debate that the subject has been adequately discussed, and that it is the evident sense of the House or of the Committee that the question be now put he may so inform the House or the Committee; and, if a motion be made 'that the question be now put', Mr. Speaker or the Chairman shall forthwith put such question; and if the same be decided in the affirmative, the question under discussion shall be put forthwith;". Sir, you will notice that the wording then moved corresponds to our rule here and I am entitled to invite your attention to the very important debate that immediately followed this attempt to have certain standing order in the House of Commons. It is a big speech which I will not inflict upon this House by quoting it *in extenso*. But I will read out certain important portions thereof:—

"Mr. ASHMEAD-BARTLETT: The issue which is now before this House I venture to consider the most momentous which has ever been submitted to the decision of Parliament. Great and critical as have been the decisions which the Government and Parliament of an Imperial people have in the course of their brilliant history been compelled to take, there has been none so pregnant with the fate of the English people as that now under discussion." This is the importance that was given to the standing order regarding the closure in the House of Commons and I invite the attention of the members of the European Party, particularly to this observation—

"In this question of the freedom of speech and the fullness of Parliamentary debate the very life and independence of the British House of

Commons are at stake. Upon the decision of this brief Autumn Session depends the fate, not of one question, or group of questions, however important, but of every political issue that shall in the future come before Parliament. The poison is directed against the very centre and mainspring of the Constitution itself. It is the brain and the heart of the body politic which are about to be vitiated. Now, I protest at the outset against this *cloture* being applied to the debates of this House. It is bad in principle and unjust in application." "But it is monstrous to close the mouths of all because of the offence of a few. To wholly stop discussion because some abuse their privileges is totally indefensible. The true remedy is to punish individual obstructives, and not to gag the whole House." (Cries of "hear", "hear" from the European benches.) (Loud noise.)

Khan Bahadur MOHAMMED ALI: Punish Dr. Sanyal, and the House——

Mr. KIRAN SANKAR ROY: Punish you.

Dr. NALINAKSHA SANYAL: Unlike Parliamentary Secretaries or Ministers, when I give quotation, I give the full quotation and I shall not abuse quotation to my advantage.

Sir, Mr. Ashmead-Bartlett went on;

"But never let the House of Commons give to an imperious Minister, working with an obedient majority and a subservient Speaker, the power of strangling debate." (Cries of "hear," "hear" from the Opposition benches.) "The Prime Minister", referring to Mr. Gladstone, "admitted that this was a most serious and critical change. Yet the position of affairs is, he said, unprecedented, and the demoralization of Parliamentary debate requires a desperate remedy". He further goes on to say, "Is this House to be punished, and freedom of speech to be annihilated, because of the terrible blunders committed by the Government in their management of Ireland, and in their conduct of the Business of this House?" (Cries of "hear", "hear" from the Opposition benches). "Are the 650 Members of Parliament to be gagged because the Prime Minister has reduced Ireland from a state of peace and unwonted prosperity to a reign of terror and to widespread demoralisation?" (Cries of "hear", "hear" from the Opposition benches.) "Is this grievous and terrible innovation to be inflicted upon Parliament because the Ministry have introduced ill-considered and immoral legislation". (Cries of "hear", "hear" from the Opposition benches)—"laws of violent coercion and acts of unjust plunder—in order to atone for their own mismanagement? Is it because the Right Honourable Gentleman who represents Birmingham thought fit to encourage Irish agitation for political purposes, and then to repress it with the utmost severity, that this House is to be deprived of its freedom of discussion". Sir, in this way he goes on and he said further, "Much was made by the Prime Minister and those who follow him in advocating this *cloture* by a bare majority of the assumption that it prevails in other countries, and in the Colonies of Britain. With regard to the Colonies, whose love of freedom—we have it on the authority of the Right Honourable Gentleman— is not inferior to our own, his information was, as is not unfrequently the case, singularly inaccurate. The *cloture* does not exist, as the Prime Minister affirmed it did, in Canada, in New Zealand, in Tasmania, in Victoria, or in our great and important Cape Colony."

Mr. SPEAKER: Dr. Sanyal, may I just remind you that these speeches were delivered at a time when the House was called upon to frame some Standing Order for closure motions.

Rai HARENDRA NATH CHAUDHURI: When the Coercion Act was going to be passed.

Dr. NALINAKSHA SANYAL: Sir, we have got a similar Secondary Education or Hindu Coercion Act

Mr. SPEAKER: It was only after that that the Irish obstructionists began to obstruct.

Rai HARENDRA NATH CHAUDHURI: Sir, I submit that it was not on that occasion, but it was when the Irish Coercion Act was going to be introduced—not the coercion of the Irish opposition.

Mr. SPEAKER: I may be wrong, but if I remember aright, these speeches were delivered at a time when there was a discussion as to whether there should be a Standing Order.

Dr. NALINAKSHA SANYAL: Sir, that was a subsequent event. As a matter of fact Parnell was elected in 1875 and he began his political work in this obstruction as a political weapon in Parliament in 1880-81. Before that you will notice that Barry O'Brien in Parnell's Biography, Vol. I, page 93, also pages 269-70, gives a detailed account of how Parnell has had opportunity to invoke this right of—he did not say obstruction—but of inviting forcible attention to certain things by a small minority. You will also realise that Edmund Burke, in 1771, in one sitting called for no less than 23 divisions, and he carried on the debate for 41 hours. In 1831 Sir Charles Wetherall and other Conservative Members on the 12th July—kept the House up till 7-30 in the morning by 8 divisions in order to delay the commencement of the Committee stage. Lord Palmerston wrote on this:—"Experience has shown that a compact body of opponents, though few in number, may, by debating every sentence and word of a bill, and by dividing upon every debate, so obstruct the progress of a bill through Parliament that a whole session may be scarcely long enough for carrying through one measure". That is well-known. I will give you——

Mr. SPEAKER: Should you go to England for that?

(Cries of "ha", "ha" from the European benches.)

Dr. NALINAKSHA SANYAL: I am inviting your attention to these things——

Mr. SPEAKER: Dr. Sanyal, I have heard you so long. I understand you have not finished, but I hope you will be relevant. What are you talking about?

Dr. NALINAKSHA SANYAL: About the closure motion.

Mr. JOGESH CHANDRA GUPTA: What he is talking is at least necessary for our European colleagues.

Mr. SPEAKER: Dr. Sanyal, I think it is not necessary to quote *in extenso*, pages and pages from books. You can put your case. It is not delivering a speech—that you can understand very well.

Mr. SYED BADRUDDUJA: Mr. Speaker, Sir, he is discussing a closure motion, and in support of his contention he is quoting weighty observations from some of the most prominent Parliamentarians. So I do not think that there is anything irrelevant in what he says. It has got a direct bearing on the point at issue.

Mr. SANTOSH KUMAR BASU: May I remind you that although Dr. Sanyal is perfectly relevant on the closure motion Sir Nazimuddin on another occasion in his first Ministry wasted the time of this House for hours and hours by reading pages of Hansard.

Mr. SPEAKER: That is another matter.

Dr. NALINAKSHA SANYAL: I would not take the time of the House and your time unnecessarily, but, Sir, these important matters dealing with the privileges of members and the House are going to create a history and it is in your hand to accept certain parliamentary procedure or not to accept with a view to allow the Opposition, a minority in the House,

free and full rights of debate, and why I am placing it, Sir, I shall make perfectly clear in no time.

Sir, parliamentary democracy visualises an Opposition which in the House of Commons is regarded as a part of the Government. This parliamentary Opposition which is a part of the Government can only function fairly and squarely if there is tolerance on the part of the Government of the day and, Sir, if you as the custodian of the privileges of the House want to reduce this majority in the House to a caucus determined to run the Government irrespective of the just and clear view points of the Opposition—Opposition not merely in the House expressed by a handful of two, three or five members, but by an important section of the community both inside and outside the House—the result would be that you will encourage terrorism and that is what I was coming to in this observation when I was quoting the speech of Ashmead-Bartlett. He himself said that "A series of revolutionary and drastic measures have to be hurried through Parliament in order to redeem the rash pledges, and to revive the waning credit of Radical Ministers. The existing electorate has had enough of the anarchy at home and confusion abroad..... I am not at all sure that the country would not benefit if this House as at present constituted were to be adjourned not for three months but for three years..... If the leaders of the caucuses do not find themselves masters of a gagged Parliament and a wire-pulled country quite so soon as they desire, will the majority of Englishmen be so grievously injured or disappointed? No, Mr. Speaker..... What is more serious, you will revolutionize the practice and the methods of political struggle. Premature repression will be met by violent resistance. The secret societies and conspiracies and desperate factions, which owing to similar causes prevail in Continental nations, will in time obtain hold of English political life. Freedom of speech and unrestricted discussion have been alike the main charter of British liberty and chief safety-valve of popular opinion. You are about to close this safety-valve. You will have no right to be surprised if explosions ensue."

Mr. SPEAKER: Dr. Sanyal, I do not think I can allow you to go further.

Dr. NALINAKSHA SANYAL: I am only giving you my reasons. I am now coming to Chapter II of Redlich on Obstruction by Irish Nationalists. Sir, this chapter deals with the history of Parliamentary obstructions and lays down the stages and details as to how and when and in what way these obstructions were sought to be made in the Mother of Parliaments.

Sir, as you are so impatient that you are not allowing me to quote important rulings on this, I would only invite your attention to the conclusion that was arrived at. As you will notice, Sir, in May's Parliamentary Practice, pages 220-21, 13th edition, "In the event of grave disorder arising in the House, the Speaker may adjourn the House without question put if he thinks it necessary to do so, or he may suspend the sitting for a time to be named by him." May's Parliamentary Practice is recognised as the charter of parliamentary procedure both in Britain as well as in other Parliaments that take the cue from British parliamentary practice. (Dr. ABDUL MOTALEB MALIK: Do you obey that always?) Yes, mostly.

As late as November, 1912 and 11th April, 1923 the Speaker suspended the sitting for one hour. When he resumed the chair the state of disorder continued and he adjourned the House without question put. In fact that is the only direction that has been given in May's Parliamentary Practice to the Speaker for dealing with questions of disorder in the House. And this has been also recognised in Halsbury's Laws of England, second edition, volume XXIV, page 247, Article 469. Halsbury records "If a grave dis-

in Britain that unless and until the two sides of the House come to such a mental position that they are prepared to apply their mind on important legislation in a peaceful and calm atmosphere no business should be conducted and that is how, Sir, parliamentary democracy has functioned. If, Sir, our present Government wants to take shelter under dictatorship, there is a provision under section 93 of the Government of India Act handy. If parliamentary work within this legislature has to be conducted, it can only be conducted with the co-operation of the Opposition and not by coercing the Opposition.

Sir, I appeal to you as the custodian of the rights and privileges of the members to re-read the rule which has so carefully been drafted by us after great and anxious consideration and in a committee of which the Hon'ble Chief Minister was also a member as also the Chief Whip of the Government. Let not the wordings of that rule be so interpreted as to practically nullify the object of the rule. The first object was that the rule should not allow any abuse of the rules and the second was that there should not be any infringement of the rights of reasonable debate. It is obvious that reasonable debate was not concluded because the Chief Minister himself admitted that three of his own speakers were ready and admittedly other leaders and Ministers were ready to speak. It could not be presumed that reasonable debate was concluded. And certainly, Sir, there is a third and very important condition imposed—it must not be derogatory to the rights of the Opposition, and here, Sir, I make an appeal to you. Sir, the Speaker has his hands already very full with many submissions from all sides. Like the younger child of the mother the Opposition claims greater indulgence and larger amount of your affection. Sir, as I have made it perfectly clear, no one on this side of the House intended any disrespect to you, because we know that you are the custodian of the dignity and rights of this House. Sir, when this closure debate was carried on in the House of Commons, you would notice that even the very powerful Government of the day did not have the courage at first to put the closure to be accepted by a mere majority, and they have this proviso added: "Provided that the question be now put shall not be decided in the affirmative if a division is taken unless it so appears to have been supported by more than 200 members or unless it so appears to have been opposed by less than 40 members and supported by more than 100 members."

Therefore, Sir, even with all the urgency of the case of the Irish Oppositionists before them previous to this period the House of Commons had actually laid down in the rules that the Speaker even there could not accept a closure motion by a mere majority. And why was all this done? It was done because as has been very well put by a member of the Parliament, they were anxious to allow Government by discussion to go on. "Government by discussion" is the basis of parliamentary democracy. If Sir Nazimuddin and his party, if the European members of this House are anxious, Sir, to break the traditions of parliamentary conduct and force on this House dictatorship it would be very much better for them to go and make alliance with the Nazis and the Fascists' (Cries of "Hear, hear" from the Opposition benches.) They cannot have it both ways. (A VOICE FROM THE EUROPEAN BENCHES: You go and join the Nazis.) Either you allow parliamentary democracy to function or you go and make friends with those dictators who are grinding you down and out of whose grinding you are making money in India. It is not for self-sacrifice that you are here. You are here for making money and amassing wealth to be squandered away by your prodigal progeny in future.

Sir, I would not have said all this, but I was compelled to do this, only because of interruptions from behind.

I submit, Sir, that following the obstruction of Irish nationalists there was an urgency procedure and "closure" is dealt with in Chapter III and IV. In this series of arguments regarding urgency procedure and introduction of closure, a very interesting account has been given of the careful

examination of each and every clause, some of which now appear to be Standing Orders of Parliament, and our rule was based more or less on those Standing Orders. I have dealt with the point regarding the propriety of applying closure and not adopting other methods which are recognised in parliamentary practice as methods to be applicable by the Speaker in circumstances similar to the one we witnessed in the House the other day.

Coming now to the second point, namely, as to whether there was any closure adopted by the House or not, there are two important questions to be examined. The question is not merely whether the Speaker got up on his legs and muttered certain words. We have to examine whether the question that was put by the Speaker was actually understood by the members and the members took decision on the same. I ask you, Sir, in all humility to put your hand on your heart and say without looking to this side or that side whether at that time when you were on your legs and were trying to make your voice heard and when—I plead guilty—we were trying our best not to permit you to be heard by members (laughter)—I plead guilty because that is a question of fact—whether at that time you were audible. I would probably be borne out by the official reconds here. It is not for us to go to any officer, but I believe that the officers who were responsible for taking notes were also not in a position to take down your words or whatever you might have said. (Khan Bahadur MOHAMMED ALI: The proceedings will show that.) We know how Government files are cooked up and new things entered, but the Speaker's department will never, I feel sure, permit this kind of interpolation. I feel, Sir, that even if you had put the question, the question was not heard by the members and no mind was applied to the decision that was given.

I now come to the third point. Even assuming that you had done that, the rule is very clear. The rule is that if closure is passed, the question has to be put forthwith. The words are: "The question that the question be now put shall be put *forthwith* without any further debate thereon, and if such motion be carried the question shall be put accordingly provided that the Speaker may, unless the time, if any, allotted to the orginial motion is thereby exceeded, permit the mover of such motion to exercise such right of reply as provided in these rules." The implication of the word "forthwith" is very important. There is no getting out of it, because the rule is mandatory.

In view of this, I am entitled to argue for your very careful consideration that when a closure motion on a particular day is moved either in such circumstances or otherwise, if on that very day the question is not put forthwith, the closure motion loses all its influence and all its effect. There was no motion that all debate be terminated. The motion at that particular moment was that the question be now put. Mr. Santosh Kumar Basu has already argued this point, and I would add only one word to it, namely, that the word "forthwith", I believe, entailed upon you a duty to put the question at once. If it was not forthwith done, then the question remains open and the debate remains open. (Cries of "Hear, hear" from the Opposition benches.) Now, Sir, I would like to help you out of this difficulty as I have always been helpful to you and to the House.

So far as I can see, Sir, the question that the question be now put was moved at a time when you called upon Mr. Tulsi Chandra Goswami to get up and speak on the Secondary Education Bill. So far as the attempt to speak is concerned, if we technically accept that closure was actually put by you to the House then, Sir, the only conclusion that we have to come to is that the closure related to Mr. Tulsi Chandra Goswami's speech only.

Sir, either it is a question of law or it is a question of fact. The question of fact is that there was no closure heard by members, no closure was adopted or discussed or put to the vote properly, but, Sir, for argument's sake, I am prepared to accept that you were on your legs and actually put certain things or attempted to put certain things before the House. I am not questioning your attempt. We, here, on the opposition at least, will

not call black dark or white dark. We will face facts squarely and we have the courage and boldness to do it. So far as your position is concerned, you put the question on the attempt of Mr. T. C. Goswami to speak. It is the speech of Mr. Goswami which he tried to deliver and which was not found permissible by some members. But all the same he insisted by gesticulation and various other movements and manœuvres on attracting the notice and attention of this House. It might be presumed therefore that it was against this speech the closure motion was moved and consequently his speech was, and I believe must be, considered as closed.

Mr. FAZLUR RAHMAN: I would like to have it put on record (interruption) that it is a waste of time (interruption) of the House.

Mr. SPEAKER: I have heard one interjection from the Government side to the effect that the Speaker is a man of this (Opposition) party. (Cries of Shame, shame from the Opposition Benches.)

Mr. ATUL KRISHNA GHOSE: Who is that man, please?

Mr. SPEAKER: Order, order, please. I quite realise that Government is anxious that the matter should be put and that their anxiety is only natural. But I am in a very difficult position and that difficulty I may explain. The other day on the 25th of May there was great resentment in this House and that resentment was expressed not against the Government but against the Speaker, if I understood it right.

Khan Bahadur ABDUL WAHAB KHAN: By whom?

Mr. SPEAKER: Order, order. I thought it fit therefore to allow this substantial section of the House, not one member or two members or twenty members but a substantial section of the House who expressed great resentment against a decision given by the Speaker. It is only fair on the part of the Speaker that these honourable members should have an opportunity of expressing their view-points about the decision of the Speaker. If it had been a question of any opposition to the Government I would have put it down here and now. But as it affects the Speaker personally I have allowed them to give out their ideas about my decision. I have given them time and I will give them time. I will give them the greatest possible latitude to criticise my ruling or decision when once I have given them permission. After I have heard them and if the Government side want to say anything, I shall after hearing them also, give my decision about this matter. That is my final decision. I hope there will be no obstruction from any side because it affects not any individual member, it affects not the Government, it affects not the opposition, it affects not the Mussalmans or the Hindus or the Europeans, but because it affects the very dignity of the House. Here it is a question of the dignity of the House. I make it perfectly clear that I will give the Opposition ample opportunity to express their views with regard to my decision. This is not uncommon. The rules provide it. The rules provide that the Speaker can give permission to members to discuss the ruling or the direction given by him in view of the great resentment expressed on that occasion which is known to everybody in this House and I do not like to, and I think I should not, debar the Opposition to express their view-points about that decision.

Khan Bahadur MOHAMMED ALI: Without time-limit?

Mr. SPEAKER: I do not know what is the time-limit with regard to the discussion on the Speaker's direction.

Adjournment.

The House was then adjourned at 7 p.m. till 4 p.m. on Wednesday, the 31st May, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the Provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 31st May, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 12 Hon'ble Ministers and 188 members.

STARRED QUESTIONS

(to which oral answers were given)

Bus accidents in Murshidabad district.

***359. Mr. DHANANJOY ROY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that there was a bus accident near Balirghat on Jalangi route in the district of Murshidabad in December last;

(*ii*) that the bus ran into a river with passengers due to a defect in the brakes, etc.;

(*iii*) that there was a heavy loss of life and property due to such accident;

(*iv*) that the matter was brought to the notice of the District Magistrate and Subdivisional Officer by the aggrieved persons; and

(*v*) that no action was taken by them in the matter against the bus proprietors?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the bus was examined by the authorities concerned before permission was granted for its further use?

(*c*) Is the Hon'ble Minister aware that on 7th April, 1944, a serious accident occurred in respect of the same bus which turned turtle while going towards Dumkal thus resulting in injury of all the passengers?

(*d*) Is it a fact that the bus in question usually plies overloaded?

(*e*) Will the Hon'ble Minister be pleased to state—

(*i*) whether the police authorities have ever charged the bus authorities in question with any charges on any occasion in the past; and

(*ii*) when the bus was last examined for the purpose of being granted licence for plying service?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) and (*d*) Yes.

(*a*) (*ii*) and (*iii*) No.

(*iv*) and (*v*) I have no information whether the District Magistrate who has since left the district was informed but the Subdivisional Officer who was informed verbally took adequate action.

(*b*) Does not arise.

(*c*) Yes, but the accident occurred in respect of another bus.

(*e*) (*i*) Yes. Twice, resulting in conviction, for overloading.

(*ii*) 14th July ,1943.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state whether there was any investigation about the incident of December last? If so, by whom?

Khan Bahadur MOHAMMED ALI: By the Subdivisional Officer.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state whether Government is in possession of a report from the Subdivisional Officer?

Khan Bahadur MOHAMMED ALI: We have the report of the District Magistrate who informs us that the bus slipped off into a *khal* where there was a ferry ghat and the passengers got down at the ferry ghat, as usual, before the bus slipped off into the *khal*.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state whether Government is aware that although the passengers were off the bus, when they boarded it there were luggages in the bus and considerable portion thereof went into the river and some of the luggages were never recovered?

Khan Bahadur MOHAMMED ALI: That is not a fact. There were some boxes which fell into the water; they were recovered and made over to the owners.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state if the Government is aware that ornaments in a box fell into the river and were not recovered at all?

Khan Bahadur MOHAMMED ALI: The Subdivisional Officer took necessary action and he was satisfied that the things were recovered and made over to the owner.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state if there was a representation made before the Subdivisional Officer that as the District Magistrate and the Subdivisional Officer constantly put themselves under obligation to the owner of this bus service, because their motor cars are repaired by these owners, the investigation should be done by an officer who was not interested in motor cars?

Khan Bahadur MOHAMMED ALI: Government is not aware of any such thing.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that there was a note sent to the District Magistrate by the local representatives to the effect that there was a feeling amongst the public that the Subdivisional Officer and the District Magistrate were partial to this particular driver owing to personal obligations and that it was desirable that the enquiry should be by one who was under no obligation?

Khan Bahadur MOHAMMED ALI: Government is not aware of any such complaint being made to the District Magistrate.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state whether Government is aware that this particular bus service is enjoying a monopoly in the route?

Khan Bahadur MOHAMMED ALI: Government is not aware of it.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state if Government will make an enquiry into the matter?

Khan Bahadur MOHAMMED ALI: I may state that licences for plying in a certain route are granted by the Regional Transport Authorities.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state whether tenders were invited for this particular line?

Khan Bahadur MOHAMMED ALI: I am not aware. I ask for notice.

Mr. SASANKA SEKHAR SANYAL: *With reference to the accident of* the 7th April, 1944, is the Hon'ble Minister aware that several deaths occurred following from the injuries received on that day?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: In view of the seriousness of the information given today that deaths occurred, will the Hon'ble Minister please consider the advisability of asking the Speaker's permission for holding over the question with a view to eliciting information?

Khan Bahadur MOHAMMED ALI: No, Sir. The information at the disposal of Government is that passengers were injured, but that there was no death.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state what action does the Government propose to take in this matter, if I give this information that in the hospital two deaths did occur?

Mr. SPEAKER: Mr. Sanyal, you can ask for information. You cannot give information.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state what would be the Government attitude to this question arising if the Government is given authentic information that two deaths occurred?

Khan Bahadur MOHAMMED ALI: If that is brought to the notice of Government, Government will have the matter enquired into.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state if it is a fact that in spite of deaths having occurred, the Police and the Executive have not taken up any investigation in the matter?

Khan Bahadur MOHAMMED ALI: Government is not aware of it.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state what is the report of the investigation made by the Subdivisional Officer regarding the cause of the accident of the 7th April, 1944?

Khan Bahadur MOHAMMED ALI: There is no report in the possession of Government now.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please consider the desirability of collecting that report so that the desired information may be given to the House?

Khan Bahadur MOHAMMED ALI: If the honourable member gives notice of this, it will be enquired into.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that photographs were taken of the remnants of the motor bus and of the place of the accident, and investigation was asked for but nothing has been done as yet?

Khan Bahadur MOHAMMED ALI: I am not aware of it.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister consider the desirability of calling for all these reports?

Khan Bahadur MOHAMMED ALI: If the honourable member will give notice of it, it will be done.

Review of cases of security prisoners by Tribunal.

***360. Mr. NIHARENDU DUTTA MAZUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the Tribunal set up in 1942, with Mr. Justice Panckridge as the President to

review the cases of the security prisoners and recommend to the Government the release of such prisoners as they consider fit and proper have concluded their labours?

(*b*) If so, will the Hon'ble Minister be pleased to state whether it is a fact that the Tribunal—

(*i*) reviewed the cases of more than 300 security prisoners; and

(*ii*) recommended the release of more than 100 persons some time in the latter half of the year?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the Table a statement showing—

(*i*) the names of the security prisoners whose cases were recommended for release;

(*ii*) how many of those recommended for release have so far been released; and

(*iii*) how many of those whose cases were reviewed, but not recommended for release have nevertheless been since released?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) the reason why all the security prisoners whose cases were recommended for release have not yet been released;

(*ii*) when they will be released;

(*iii*) what was the expenditure incurred for the said Tribunal; and

(*iv*) how many of the aforesaid prisoners are being given any family allowances?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*), (*c*) and (*d*)(*i*) and (*ii*) I am not prepared to furnish the information in the public interest. In this connection I refer the honourable member to the reply given by the then Home Minister to starred question No. 51 on the 20th February, 1943.

(*iii*) Rs. 30,203.

(*iv*) The information is not readily available and its collection will involve the expenditure of an amount of time and labour which is not justified in the present emergency.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister please enlighten the House as to why he considers that public interest demands that the information should be withheld?

Khan Bahadur MOHAMMED ALI: It is not expedient in the public interest to disclose the reason.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the Government has acted upon the report of the Tribunal in this matter?

Khan Bahadur MOHAMMED ALI: I have nothing further to add to what I have already said.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state the Government policy in respect of the report furnished by the Tribunal?

Khan Bahadur MOHAMMED ALI: That was outlined by the then Home Minister when he said that the Government was compelled to postpone the consideration of the recommendations.

Mr. SASANKA SEKHAR SANYAL: Sir, my question has not been answered. My question is, what is the policy of the Government with

regard to the report of the Tribunal? Is it a policy of action upon the report or a policy of inaction upon the report?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to the reply given by the previous Home Minister to question No. 54 answered on the 20th February, 1943.

Mr. SASANKA SEKHAR SANYAL: Sir, I ask for informaiton from the present Home Minister. He is not relevant when he refers me to the previous Home Minister.

Khan Bahadur MOHAMMED ALI: I have nothing further to add.

Mr. NISHITHA NATH KUNDU: Yesterday evening Mr. Ghose raised a point of order and, Sir, you were pleased to tell us that you would give your ruling.

Mr. SPEAKER: It was not a question of ruling. I said I would look into the matter.

Mr. NISHITHA NATH KUNDU: On important questions like this, they are trying practically to avoid answers.

Mr. SPEAKER: I quite appreciate it.

Khan Bahadur MOHAMMED ALI: I can quote the reply of the then Home Minister.

Mr. ATUL CHANDRA SEN: From answer (*d*) (*iv*), do I understand the Hon'ble Minister to say that no record of this case is maintained in the Secretariat?

Khan Bahadur MOHAMMED ALI: A record is maintained.

Mr. ATUL CHANDRA SEN: When he says that a record is maintained, how does he say that this information is not readily available?

Mr. SPEAKER: That is an argumentative question.

SJ. NARENDRA NATH DAS GUPTA: With reference to answer (*c*)(*ii*), will the Hon'ble Minister be pleased to state what is the objection to let the House know about the number of prisoners who have been released on the recommendation of the commissioners?

Khan Bahadur MOHAMMED ALI: I have already stated why I cannot disclose the reasons.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the approximate expenditure for collection of this information?

Khan Bahadur MOHAMMED ALI: No, Sir, I cannot say what would be the approximate expenditure.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if he has got any idea about the actual expenditure that may be required for the collection of the information?

Khan Bahadur MOHAMMED ALI: I may have an idea but I may be entirely wrong.

Mr. NISHITHA NATH KUNDU: In view of the answers given just now, will the Hon'ble Minister be pleased to state what is the basis on which he says that the expenditure will not be justified in the present emergency?

Mr. SPEAKER: It is extremely difficult to answer questions like that.

Mr. NISHITHA NATH KUNDU: We want to test the veracity of the reply.

Mr. SPEAKER: That is not the purpose of supplementary questions. In this House you do not put supplementary questions to test the veracity of anybody. You want to get facts. There is a distinction between the two. It is not cross-examination.

Mr. SASANKA SEKHAR SANYAL: If facts are concealed, we have got to test by cross-examination.

Mr. SPEAKER: It is not cross-examining a witness in the witness-box in the court.

Mr. NISHITHA NATH KUNDU: This stereotyped variety of answers indicate that they are trying to avoid answers which will expose them.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister deny that the cases of 300 security prisoners were sent to the Tribunal and they recommended that 100 security prisoners be released?

Khan Bahadur MOHAMMED ALI: I do not admit or deny anything. I have said it is not in the public interest to disclose anything.

Mr. ATUL CHANDRA SEN: When the Hon'ble Minister admits that the records are in the Secretariat, will he kindly explain what expenditure he really meant?

Khan Bahadur MOHAMMED ALI: The records are not kept in one place. It means looking into various records and compilation of this information will require expenditure, time and money.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. I was not attending to questions and answers but I heard a remark made by you about permitting cross-examination of a Minister in course of supplementary questions. I was just going through Ivor Jennings and I just came across this sentence. At the same time, I heard you utter those words. I was looking up for something else. The sentence is: Each member of the Opposition can think out his own question and the line of cross-examination by supplementaries though there has recently been a suggestion that the party should organise even in the asking of questions. So cross-examination by supplementaries is a recognised method of parliamentary opposition.

Mr. SPEAKER: I have never denied that.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether all the security prisoners recommended by that commission for release were released?

Khan Bahadur MOHAMMED ALI: I have nothing further to add. I have already stated that this information cannot be given.

Mr. CHARU CHANDRA ROY: Mr. Speaker, may I draw your attention to the mode of answers given by Government.

Mr. SPEAKER: You can discuss that somewhere else, not now.

Mr. CHARU CHANDRA ROY: Sir, just now Dr. Sanyal drew your attention to some facts. I think members of this House have a right to cross-examine an Hon'ble Minister to get information.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state, what are the terms and conditions of setting up the Tribunal and whether there was any understanding that the persons recommended by them will be released or will not be released?

Khan Bahadur MOHAMMED ALI: I repeat what I have said. It is not expedient in the public interest to disclose anything connected with the Tribunal.

Mr. ATUL KRISHNA GHOSE: *Will the Hon'ble Minister be pleased to state whether there was any conflict between the Tribunal and the Government with regard to the release of these prisoners?*.

Khan Bahadur MOHAMMED ALI: I have nothing further to add.

Mr. ATUL KRISHNA GHOSE: Is it a fact that there was a conflict between the Tribunal and the Government with regard to the release of prisoners?

Khan Bahadur MOHAMMED ALI: I have nothing further to add.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether it is a fact that in some cases Government accepted the proposal of the Tribunal and in some other cases they refused and on that refusal the Tribunal resented?

Khan Bahadur MOHAMMED ALI: I have nothing further to add.

Mr. NISHITHA NATH KUNDU: Are we to take by the attitude of the Parliamentary Secretary that the question put by Mr. Ghose will be replied, if replied at all, in the affirmative?

Mr. SPEAKER: That is no question.

Mr. ATUL CHANDRA SEN: Is it in pursuance of the so-called liberal policy of the Government regarding security prisoners that Government refuse to answer that question?

Mr. SPEAKER: I disallow that question.

Mr. ATUL CHANDRA SEN: You can disallow that question but can you disallow them from giving silly answers?

Mr. SPEAKER: That is another matter.

Mr. ATUL KRISHNA GHOSE: Consistent with the declaration that the Chief Minister made, how can they refuse the release of all those prisoners recommended by the Tribunal?

Mr. SPEAKER: That is an argumentative question.

Alleged maladministration of Bakarganj District Board.

***361. Srijut NARENDRA NATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware of any representations that have been made by some members of Bakarganj District Board to the Divisional Commissioner on the maladministration of the said Board during last two years?

(*b*) If so, will the Hon'ble Minister be pleased to state what action, if any, has been taken on them?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Yes.

(*b*) The explanation of the Chairman of the District Board on the complaints was accepted by the Divisional Commissioner.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister please enlighten us about the explanation of the Chairman which satisfied the Divisional Commissioner?

Khan Sahib HAMIDUDDIN AHMAD: The explanation was that he was not responsible for all the allegations for alleged maladministration, if any, of the District Board.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister please let us know the complaints which were made against the District Board?

Khan Sahib HAMIDUDDIN AHMAD: Not against the District Board but against the Chairman. The main allegation against the Chairman was of his handling the test relief works in the district in the self-interest of his constituency and that of the second Vice-Chairman.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether any investigation was made with regard to the complaints made against the Chairman?

Khan Sahib HAMIDUDDIN AHMAD: The Chairman submitted an explanation which was accepted by the District Magistrate.

Mr. SADARUDDIN AHMED: Will the Hon'ble Minister be pleased to state what are the other allegations?

Khan Sahib HAMIDUDDIN AHMAD: Of the other allegations one was the insufficient allotment for communications in the budget of the District Board and making partially in recommending grant-in-aid to middle English schools and some madrasahs.

Mr. SADARUDDIN AHMED: Will the Hon'ble Minister be pleased to state what was the amount provided in the budget for civil works in the year 1942-43 and is it not a fact that the Commissioner refused the budget for insufficient provision?

Mr. SPEAKER: That is a question which is not within the knowledge of the Hon'ble Minister. You cannot expect an answer from him.

Khan Bahadur Maulvi SYED MUHAMMAD AFZAL: Will the Hon'ble Minister be pleased to state the names of the members who signed the representation?

Khan Sahib HAMIDUDDIN AHMAD: Maulvi Sadaruddin Ahmed. The record shows that he was the petitioner.

Mr. SADARUDDIN AHMED: Will the Hon'ble Minister be pleased to lay on the Library table the allegations of the petitioner and the reply of the Chairman?

Khan Sahib HAMIDUDDIN AHMAD: A summary of the allegations as well as the reply may be laid on the Library table if the honourable member so desires.

Maulvi MD. MOZAMMEL HAQUE: মাননীয় মন্ত্রীমহোদয় কি অবগত আছেন যে এই representations কয়জন membersএ sign করেছেন, একজনে, না তার চেয়েও বেশী ?

Khan Sahib HAMIDUDDIN AHMAD: The record shows that there was only one member who signed the representation.

Maulvi MD. MOZAMMEL HAQUE: সেই লোকটীর নাম জানতে চাই।

Khan Sahib HAMIDUDDIN AHMAD: I have already answered.

Srijut NARENDRA NATH DAS GUPTA: *Is the Hon'ble Minister aware that there was an allegation against the Chairman that he utilised* the fund which was allotted for test relief work for the construction of a road for his personal use?

Khan Sahib HAMIDUDDIN AHMAD: There was no such allegation I am aware of.

Maulvi MD. MOZAMMEL HAQUE: মাননীয় মন্ত্রীমহোদয় কি জানাবেন, এই main allegationটা কি ?

Khan Sahib HAMIDUDDIN AHMAD: I have already stated that the main allegation against the Chairman was that he was handling the test relief work in self-interest of his constituency and in the explanation given by the Chairman it was stated that the allotments for the subdivisions were made by the District Magistrate and the Chairman was not responsible for that.

Khan Bahadur Maulvi SYED MUHAMMAD AFZAL: Will the Hon'ble Minister be pleased to state when the petitioner submitted his petition?

Khan Sahib HAMIDUDDIN AHMAD: The first petition was submitted on 30th August, 1943.

Khan Bahadur Maulvi SYED MUHAMMAD AFZAL: Will the Hon'ble Minister be pleased to state how many petitions were submitted?

Khan Sahib HAMIDUDDIN AHMAD: Four petitions altogether.

Khan Bahadur Maulvi SYED MUHAMMAD AFZAL: Will the Hon'ble Minister be pleased to state whether all these four petitions have been enquired into?

Khan Sahib HAMIDUDDIN AHMAD: One explanation was given to these petitions.

Khan Bahadur Maulvi SYED MUHAMMAD AFZAL: Will the Hon'ble Minister be pleased to state whether all the petitions were signed by Mr. Sadaruddin Ahmed?

Khan Sahib HAMIDUDDIN AHMAD: I have already answered.

Mr. ATUL KRISHNA GHOSE: With reference to the reply, will the Hon'ble Minister be pleased to state whether he is considering the desirability of placing the respective names of the respective four petitioners who signed the petitions that were lodged against the Chairman?

Khan Sahib HAMIDUDDIN AHMAD: I have already stated that all the four petitions were submitted by one gentleman.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether the Chairman in question is a member of this House?

Khan Sahib HAMIDUDDIN AHMAD: Yes.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether the said Chairman, who is a member of this House, gained this pardon from Government by changing sides?

Mr. SPEAKER: That question does not arise.

(Starred question No. 362 was called.)

Mr. CHARU CHANDRA ROY: *Before this question is taken up, may I ask through you, Sir, the Department of the Assembly when this question was tabled in the Assembly and when this question was sent to Government for answer?*

Mr. SPEAKER: I will give that information on the next day.

Arrangement for relief for starving people.

*362. **Mr. PRATUL CHANDRA CANGULY:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state what arrangements have been made to give immediate relief to the people dying of starvation on the streets of—

(1) Calcutta;

(2) mufassal towns; and

(3) villages throughout Bengal?

(*b*) Is the Hon'ble Minister considering the desirability of—

(*i*) declaring Bengal a famine area under the Famine Code; and

(*ii*) taking upon itself the responsibility of feeding the famished people?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) (1) Setting up of destitute relief centres, temporary orphanages and providing hospital arrangements, (2) and (3) opening of free kitchens, poor houses, work houses, destitute homes, orphanages and free milk canteens, distribution of gratuitous relief in cash and kind, and setting up of emergency hospitals and provision of increased hospital accommodation.

(*b*) and (*c*) As famine conditions are not prevailing now, the question does not arise. But Government have been administering relief on a famine basis and doing everything humanly possible to feed the famished people.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether poor houses and work houses were started anywhere else in the province?

The Hon'ble Mr. TARAK NATH MUKERJEA: Yes, Sir.

Mr. SHAHEDALI: May I know where?

The Hon'ble Mr. TARAK NATH MUKERJEA: In most of the districts.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state why there were so many deaths though in his answer he gave a list of elaborate arrangements made for the relief of the starving people?

The Hon'ble Mr. TARAK NATH MUKERJEA: Deaths were due not merely to starvation but to various other causes, namely, attack of malaria and such other things.

Mr. ATUL CHANDRA SEN: Is the Hon'ble Minister aware that various other causees, namely, malaria and other diseases, are practically the result of starvation?

The Hon'ble Mr. TARAK NATH MUKERJEA: That is a matter relating to the Medical Department.

Mr. SPEAKER: That is a matter of opinion.

Maulvi ABU HOSSAIN SARKAR: *Will the Hon'ble Minister be pleased to state whether some of the promised hospitals are not yet constructed?*

The Hon'ble Mr. TARAK NATH MUKERJEA: So far as the hospitals are concerned, it is for the Public Health and Medical Department to answer. I cannot give details.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister tell the House when his Department got this question and when he benevolently sent the answer?

Mr. SPEAKER: I will give you that information later.

Mr. CHARU CHANDRA ROY: Sir, it is the duty of——.

Mr. SPEAKER: I will give you the information on the next day.

UNSTARRED QUESTION

(answer to which was laid on the table)

Sub-Inspector of Schools in Dacca district.

176. Mr. MONOMOHAN DAS: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the total number of Sub-Inspectors of Schools at present posted in the district of Dacca;

(*ii*) the number of them that are (A) Scheduled Castes, (B) Caste Hindus, and (C) Muslims;

(*iii*) to which district each of them belongs; and

(*iv*) for how many years each of them is serving in the same district?

(*b*) Is their service transferable from one district to another?

(*c*) If so, will the Hon'ble Minister be pleased to state whether this principle of transfer is followed in this district?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) in how many cases the transfer has been made; and

(*ii*) how many of the transferred personnel are members belonging to (A) Scheduled Castes, (B) Caste Hindus, and (C) Muslims?

(*e*) Is the Hon'ble Minister considering the desirability of posting a Scheduled Caste Sub-Inspector of Schools in this district?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) (*i*) 18.

(*ii*)	(A) Scheduled Caste	Nil
	(B) Caste Hindus	5
	(C) Muslims	13

(*iii*) and (*iv*) A statement furnishing the information is laid on the Table.

(*b*) and (*e*) Yes.

(*c*) Yes, as far as possible consistently with the exigencies of public service.

(*d*) It is not possible to answer this part of the question as no definite period has been stated.

Statement referred to in reply to clauses (a)(iii) and (iv) of unstarred question No. 176.

Name of the Officer.	Present posting with date of joining.	Home district.	Date from which in Dacca district.
(1) Babu Suresh Ch. Chakravarti	Nawabganj, 15th June, 1939.	Dacca ..	15th June, 1939.
(2) Babu Girindra Narayan Basak.	Tejgaon, 1st December, 1940.	Do. .	30th April, 1934.
(3) Maulvi Serajuddin Ahmed ..	Sadar, 18th November, 1936.	Do. ..	5th October, 1930.
(4) Babu Ashutosh Mitra ..	Joydebpur, 18th March, 1943.	Do. ..	11th January, 1935.
(5) Maulvi Abdul Majid .	Kaliganj, 2nd December, 1940.	Do.	27th July, 1934.
(6) Maulvi Abul Faiz Md. .	Sibpur, 3rd December, 1940.	Do.	1st September, 1939.
(7) Maulvi Abdul Gaffur	Srinagar, 17th August, 1941.	Do. .	20th December 1934.
(8) Maulvi Dewan Ali .	Narayanganj, 5th December, 1940.	Do. ..	6th August, 1934.
(9) Maulvi Madar Ali Rarhi	Munshiganj, 14th August, 1937.	Do. .	6th July, 1935.
(10) Babu Hariranjan Waddadar	Lohajang, 23rd October, 1943	Chittagong	23rd October, 1943.
(11) Maulvi Abdur Razzak	Raipura, 11th August, 1941.	Dacca .	15th May, 1931.
(12) Maulvi Syed Ali Hamed	Dhamrai, 18th March, 1943	Jessore	17th July, 1924.
(13) Sharafat Ali Khan	Manikganj, 18th August, 1941.	Dacca .	26th August, 1940.
(14) Maulvi Mullock Hossain	Special Sub Inspector of Schools for Maktabs, 28th March, 1942.	Tippera .	28th March, 1942.
(15) Babu Bidhu Bh. Sarkar	Ghior, 21st August, 1941	Dacca	21st August, 1941.
(16) Maulvi Md. Shamsur Rahman	Narsingdi (posted recently joining report not yet received)	Do. ..	
(17) Maulvi A. N. Mansuruzzaman.	Fatullah, 24th November, 1942	Do.	24th November, 1942.
(18) Maulvi Sharafat Ali	Singair, 18th March, 1943	Do.	12th July, 1941.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether there is any bar against posting scheduled caste sub-inspectors of schools in the district of Dacca?

The Hon'ble Mr. TAMIZUDDIN KHAN: No.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state what are the reasons for which no scheduled caste sub-inspectors of schools are posted in the district of Dacca?

The Hon'ble Mr. TAMIZUDDIN KHAN: There was no particular reason.

Babu MADHUSUDAN SARKAR: May I know why scheduled caste sub-inspectors of schools were not posted there?

The Hon'ble Mr. TAMIZUDDIN KHAN: In the usual course it appears that no scheduled caste sub-inspectors of schools were posted there, but there was no reason why this was not done.

Babu MADHUSUDAN SARKAR: In consideration of the fact that there is no scheduled caste sub-inspectors of schools there, will the Hon'ble Minister consider the desirability of posting any scheduled caste sub-inspectors of schools in that district for safeguarding the interests of the scheduled castes there?

The Hon'ble Mr. TAMIZUDDIN KHAN: I will look into it.

Mr. ATUL KRISHNA GHOSE: With reference to the reply it appears that from 1924 onwards these appointments are there. Will the Hon'ble Minister be pleased to state how it so happened that within a period starting from 1924 to 1943 not a single scheduled caste gentleman was taken in that capacity within the district?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have already said that there was no particular reason. If the attention of the Director of Public Instruction or the Minister in charge whoever he might be in the past had been drawn to this matter, certainly a scheduled caste sub-inspector of schools might have been posted there.

Mr. ATUL KRISHNA GHOSE: This is an irrational reply.

Mr. SPEAKER: The questioner ought not to pass remarks like that. That is not at all desirable, Mr. Ghose.

Mr. ATUL KRISHNA GHOSE: I submit to the ruling of the Chair, Sir. But at the same time I would draw the attention of the House and through you, Mr. Speaker, the attention of the Hon'ble Minister to his previous reply, viz., "There is no particular reason".

Mr. SPEAKER: You cannot discuss. That is not permitted under the rules in supplementary questions. I hope you will comply with the rules.

Mr. ATUL KRISHNA GHOSE: With reference to the reply given by the Hon'ble Minister, as it appears from the paper, will the Hon'ble Minister be pleased to state—although he has stated in reply to a previous question that there is no particular reason—if he has got any reason whatsoever why about 90 per cent. of these posts have been given to the people of Dacca only to the exclusion of others?

The Hon'ble Mr. TAMIZUDDIN KHAN: I would refer the honourable member to my reply already given and I should again say that there was no particular reason.

Mr. ATUL CHANDRA SEN: From the answer just given by the Hon'ble Minister do I understand him to say that in the matter of posting sub-inspectors in any district the communal composition of the population in the area concerned was not taken into consideration?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir, that was not taken into consideration.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state why during the long period of 16 months no single scheduled caste sub-inspector was posted there?

Mr. SPEAKER: That question does not arise.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell the House whether this is an example of the liberal policy of the Government of Bengal towards the Scheduled Castes?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: With reference to the reply, as it appears in the paper, will the Hon'ble Minister be pleased to state whether it is a fact that the gentlemen serving there have all along been posted there

from 1924 to 1943 without any transfer whatsoever, and if so, what were the reasons, although the Hon'ble Minister said that there was no reason whatsoever?

The Hon'ble Mr. TAMIZUDDIN KHAN: "Posted there" means posted in the district of Dacca. That does not necessarily mean that they were not transferred within the district.

Mr. ATUL KRISHNA GHOSE: With reference to the reply given by the Hon'ble Minister, will he be pleased to state what vested interests, or what official interests or what personal interests or what district interests there might have been to keep a man there for 14 long years within the district and not transferring him outside?

Mr. SPEAKER: I cannot allow that question.

Dr. NALINAKSHA SANYAL: With reference to the answer prior to the last one regarding the reasons for transfer or retention of a particular officer at a particular place, will the Hon'ble Minister be pleased to state what are the considerations that weigh with Government in arranging the posting or transfer of officers other than the consideration of nepotism or patronage or party considerations?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: With reference to the reply given by the Hon'ble Minister, will he be pleased to state what were the special contributions of those officers who were posted in the district in the year 1924 justifying their retention in the same district for more than 10 years?

Mr. SPEAKER: That question does not arise.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if it is a fact that these officers were retained in the same district for a long period for the purpose of carrying on propaganda in favour of the Muslim League in the rural areas of the district?

Mr. SPEAKER: I cannot allow that question.

Statement by Parliamentary Secretary on the circumstances that led to resignation.

Mr. ATUL CHANDRA KUMAR: Mr. Speaker, Sir, with your permission I would like to make a statement on the circumstances that led to my resignation from the office of the Parliamentary Secretary.

Mr. FAZLUR RAHMAN: On a point of order, Sir. No member of the House has got any right to make any statement in the House except the Hon'ble Leader of the House and the Leader of the Opposition and that also has to be done by agreement among the party leaders with due notice to each side. This right of making a statement in the House is given to a Minister only in the rules. But that right is not given to the Parliamentary Secretaries. Therefore, Sir, Mr. Atul Chandra Kumar has no right to make a statement in the House because he is neither a leader nor a Minister.

Dr. NALINAKSHA SANYAL: I am surprised that the Chief Whip of the Government has raised this question. Sir, the Chief Whip of Government argued only a few days ago—and that argument is still fresh in our memory—that a Parliamentary Secretary and also an ordinary member may be vested by a Minister with all the authority of a Minister in the House. (Cries of "Hear, hear" from the Opposition Benches.) Sir, with reference to the definition of "Ministers", it is defined in the rules as follows: " 'Minister' means a Member of the Council of Ministers and includes any member to whom such Minister may delegate any function assigned to him under these rules." With regard to Mr. Atul Chandra Kumar, when we,

on this side of the House, raised a question a few weeks ago as to whether he had the authority to function as a Minister under the rules, while replying to a question, we were specifically assured by that very enthusiastic Chief Whip of the Government that Mr. Atul Chandra Kumar had that authority, and you, Sir, also accepted that position that he was for the limited purpose of answering questions entitled to be a Minister. Sir, I had thereafter been given a letter wherein it was stated that "under the provisions of the definition of the expression 'Minister' in rule 1 of the Bengal Legislative Assembly Procedure Rules, I hereby delegate to Mr. Atul Chandra Kumar, M.L.A., Parliamentary Secretary——

Mr. SPEAKER: What is that you are reading?

Dr. NALINAKSHA SANYAL: I am reading a letter, Sir, which was addressed to the Secretary to the Bengal Legislative Assembly by the Hon'ble Minister concerned.

Mr. SPEAKER: How does that come into your possession?

Dr. NALINAKSHA SANYAL: I had to find out whether the statement made by the Chief Whip was correct or not, and I got that addressed to the office of the Secretary, your office, Sir, from a member to ascertain whether it is correct or not.

Khan Bahadur MOHAMMED ALI: Dr. Sanyal is an expert in stealing documennts.

Dr. NALINAKSHA SANYAL: There is no question of stealing documents. This letter was addressed to one member.

Mr. SPEAKER: You should not read that letter.

Dr. NALINAKSHA SANYAL: Our friends on the other side may even dispute facts, and this letter definitely states that under the provisions of the——

Mr. SPEAKER: Dr. Sanyal, you are not obeying my direction. Do not read that letter. You can make a statement, but I cannot allow you to read a thing which is not authenticated.

Dr. NALINAKSHA SANYAL: I had myself verified it on a reference with Mr. Atul Chandra Kumar himself, so that I have satisfied myself. It is on my responsibility that I read this letter.

Mr. SPEAKER: You are complicating matters. I hope you will not complicate matters in this manner. Just say whatever you have got to say. What is the necessity of reading out that piece of paper? You can make a statement.

Mr. SASANKA SEKHAR SANYAL: On a point of order, Sir. In this matter will you be satisfied if you are given the information that Mr. Atul Chandra Kumar was furnished with a copy of the original which was addressed to you and that Mr. Atul Chandra Kumar is quite competent to hand over that copy to any brother member?

Nawabzada K. NASARULLAH: He did not. Dr. Sanyal says that he has——

Dr. NALINAKSHA SANYAL: In this letter Mr. Kumar was definitely authorised: the power of the Minister was delegated to him.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, may I rise on a point of order——

(Cries of "Sit down", "sit down", "no point of order" from the Opposition Benches.)

Sir, will you not give me protection? I am on a point of order.

Dr. NALINAKSHA SANYAL: Sir, I am on my leg——

Mr. SPEAKER: Dr. Sanyal, will you kindly resume your seat?

Dr. NALINAKSHA SANYAL: I am already on a point of order, and I am not prepared to give way.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Sir, why should not Dr. Sanyal bow to your ruling and why should not Mr. Siddiqi be allowed to speak?

(Loud cries from the Opposition Benches.)

Mr. SPEAKER: I am sorry, I made a mistake. When a particular member is on a point of order, he has got the right to speak on that point of order. If at the same time another member rises on another point of order, I think that point of order cannot be allowed.

(Loud applause from the Opposition Benches.)

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Mr. Speaker, Sir,——

(At this stage many members rose simultaneously from the Opposition Benches as well as from the Coalition Benches and there was tremendous noise in the House.)

Dr. NALINAKSHA SANYAL: Sir, will you kindly stop that mad cap?

(Tremendous noise and counter-noise from both sides of the House going on all the while.)

Mr. SPEAKER: Order, please. Will you resume your seats?

Nawabzada K. NASARULLAH: On a point of order, Sir. Has Dr. Sanyal got the right to call a Minister a mad cap?

Mr. S. A. SALIM: He must withdraw it, otherwise we will not allow him to speak.

(Cries of "withdraw", "withdraw" from the Coalition Benches.)

Mr. SPEAKER: Dr. Sanyal, I am told that you have called the Minister a mad cap——

Dr. NALINAKSHA SANYAL: Who is the Minister, Sir? I have not named any Minister.

(Loud noise from the Coalition Benches.)

Mr. SPEAKER: Will you kindly cease making noise? Dr. Sanyal, I did not hear it, but a complaint has been made——

Dr. NALINAKSHA SANYAL: Sir, let the member who complained to you name the Minister.

Mr. SPEAKER: I want to know from you, Dr. Sanyal, whether or not you have used the expression "mad cap" with reference to a Minister.

Dr. NALINAKSHA SANYAL: About whom? Let me understand the position.

Mr. SPEAKER: With reference to any Minister.

Mr. FAZLUR RAHMAN: Sir, he must withdraw——

(Loud noise and counter-noise from both sides of the House.)

Khan Bahadur MOHAMMED ALI: Sir, as a gentleman let him say whether he has used that expression.

Dr. NALINAKSHA SANYAL: Sir, so far as my personal opinion is concerned, many friends on this side of the House as well as on the other side are prone to madness——

(Loud noise and counter-noise from both sides.)

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir,——

Mr. SPEAKER: Will you kindly resume your seat? (Loud noise.) Order, please.

Dr. NALINAKSHA SANYAL: If there is any specific complaint made by any particular gentleman, the rule entitles him to your protection. So let me first find out from my friends which particular member or minister was actually referred to and whether they have been able to ascertain whom I have referred to, and then, Sir, the question of my apology would arise.

Mr. SPEAKER: Dr. Sanyal, there is one point I want to make perfectly clear. When you are speaking, you know it perfectly well to whom you referred. It is only fair as a gentleman and a member of this House that you should admit that you have used that expression in regard to a certain gentleman, and I will request you that not only on this occasion but on all future occasions to desist from using any offensive language. (Loud noise from the Opposition Benches. A VOICE: Is it unparliamentary?) There may be expressions which may not be, strictly speaking, unparliamentary, may not be technically unparliamentary, but still the language shows the standard, the level of the society, and the cream of the society of Bengal is here. So I hope that the language to be used here should be of the highest order and worthy of the House. I think, Dr. Sanyal will add to the dignity of the House by simply saying, "I withdraw".

Dr. NALINAKSHA SANYAL: Sir, I have never disobeyed your ruling and even in this matter I will not disobey your order because I feel that the dignity of the Speaker must be upheld at any costs. But, Sir while I am obeying your instruction, I have to invite your attention to rule 12(2)(*viii*) which specifically lays down that a member while speaking may not make a personal charge against any member. That is, Sir, all the limitations that we have. In this particular case I have already told you that I am accepting your ruling and instruction, and the general observation that I made, however unpalatable it might be to a section of the House, stands withdrawn. But I would respectfully request you to apply the rule in its proper import, namely, that a particular member must take offence or another member must draw your attention on his behalf to any personal charge and the personal charge must be directed against a particular member. It cannot be said, Sir, there was any personal charge, but if the cap mentioned by me fits on somebody's head, I cannot help.

Mr. SPEAKER: That you cannot say, Dr. Sanyal. You must simply withdraw.

Dr. NALINAKSHA SANYAL: I withdraw.

(Loud laughter from all sides.)

Dr. NALINAKSHA SANYAL: Sir, I was drawing your attention to a letter the original copy whereof was with a friend of mine——

Mr. SPEAKER: Yes, now you are quite in order. You have said that you have got it from your friend.

Dr. NALINAKSHA SANYAL: This letter has been forwarded to Mr. Atul Kumar by the Joint Secretary, Government of Bengal: "E. B. H. Baker" I believe is the signature. In that letter it is stated—it was addressed to the Secretary, Bengal Legislative Assembly—that "under the provisions of the definition of the expression 'Minister' in rule 1 of the Bengal Legislative Assembly Procedure Rules I hereby delegate to Mr. Atul

Chandra Kumar, M.L.A., Parliamentary Secretary attached to me, the functions assigned to me, under provisions of rules 32, 34, Part III of the said rules and regulation, made by Hon'ble Speaker under rule 31, sub-rules (3) and (4), rule 86, Part VI" and so on all functions, where the Minister has to function in the Assembly, have been specified. This is the authority given by Mr. Barada Prasonna Pain to Mr. Kumar so that for all purposes of this legislature and this House Mr. Kumar is a Minister under the definition of a Minister under the Procedure Rules. Now, the rules lay down that while a Minister resigns his office he is entitled to make a statement and I claim that when the authority of a Minister has been vested in Mr. Kumar for certain purposes it does not lie in the mouth of the Chief Whip of the Government now to get up and say that it is only the Minister that has a right to make a statement.

Mr. SPEAKER: Dr. Sanyal, you are not to make a speech.

Dr. NALINAKSHA SANYAL: I am referring to the point of order. The first rule is about the Minister. It is admitted even by the Chief Whip of the Government that a Minister while resigning is entitled to make a statement in the House. Therefore I am claiming for Mr. Kumar the same right as has been conceded under rules for Ministers, and Mr. Kumar will be heard with interest and the Government may not, however great discomfiture it may be put to, stand in the way and you would be pleased to allow Mr. Kumar to make his statement.

Mr. ABDUR RAHMAN SIDDIQI: May I rise on a point of order. Two statements have been made in the House in one of which the honourable member who has just resumed his seat said that he had managed to get a copy from your office. Then the honourable member sitting near the microphone said that Mr. Kumar had passed a copy on to his friend. Would you, Sir, in the name of dignity of the House and the secrecy of your departmental office demand which of the two statements is correct?

Mr. NISHITHA NATH KUNDU: Is it a point of order?

Mr. ABDUR RAHMAN SIDDIQI: It is a matter in which the honesty and dignity of the House is also concerned. Mr. Speaker, Sir, we have got to establish certain definite traditions of honesty and traditions of gentlemanliness. The honourable member for the municipalities of Murshidabad has confessed before you that he got the copy from your office. No other statement should be admitted or entertained by the Chair in the face of that clear and categorical statement, and I beg of you in the interests of the dignity of the House which you are going to re-establish tonight to see to it that such documents do not go out.

Mr. SPEAKER: It is quite a side issue.

I would ask you, if anyone of you so desire to speak about the rights of the Parliamentary Secretaries, to make a statement. As regards the other thing I will look into it.

Maulvi AHMED ALI MRIDHA: Mr. Speaker, Sir, I will quote a Persian couplet for your instruction, Sir. (Laughter from the Opposition benches.)

Mr. A. K. FAZLUL HUQ: Sir, in this connection as regards the right of Mr. Atul Chandra Kumar to make a statement to the House, may I draw your attention to the wording of rule 103. I submit that read between the lines the rule does make provision for a member who occupied the position of a Parliamentary Secretary to make a statement regarding the circumstances which led to his resignation. Sir, a Minister under the rules is permitted to make a statement provided you give the permission. A Minister is a member of the Cabinet and as such is a member of the Government. A Parliamentary Secretary, although not a member of Government is a part of the machinery of Government and therefore when

a Parliamentary Secretary resigns his post as Parliamentary Secretary and comes and joins the Opposition the House is entitled to know the circumstances, which must be extraordinary, which led a member who had been a part of the machinery of Government to cease connection with that Government and to come and join the Opposition. The circumstances must be revealed to the House. I submit that the reason why the Parliamentary Secretaries are not mentioned is very simple and clear. At the time when these rules were framed Parliamentary Secretaries were not functioning and their duties were not at all defined. Since the rules have been framed their position has been defined and they have been practically put for all practical purposes on the same footing as Ministers in replying to questions and performing other duties. I, therefore, submit that in these rules Minister includes a Parliamentary Secretary functioning as such and performing the duties before the House which formerly were done by the Minister. I submit, therefore, that the rules do permit and you will give the necessary permission.

Mr. SANTOSH KUMAR BASU: Mr. Speaker, Sir, may I draw your attention, to the definition of the word "Minister" in these rules? "Minister" means a member of the Council of Ministers. If it had confined itself to that definition only, then of course it would have referred only to a Minister who was a member of the Council of Ministers, but the definition of a Minister does not stop there. It proceeds and "includes any member to whom such Minister may delegate any function assigned to him under these rules". Now, Sir, that being the definition of the word "Minister" in these rules it attracts the provision of rule 103 which says, "A member who has resigned the office of Minister may with consent of the Speaker make a personal statement in explanation of his resignation". The word "Minister" in this rule must refer to the entire definition of the word "Minister" in the definition clause. You cannot limit the definition to one part of the definition of "Minister" and exclude the other. In these circumstances I would submit, Sir, that there is no escape from the conclusion that rule 103 would be applicable to a member who has performed the duties of a Parliamentary Secretary and to whom powers and functions had been delegated under the definition clause, as has been done in the present case as demonstrated by Dr. Sanyal by referring to the letter which was written by the Minister in question delegating his functions and powers to the Parliamentary Secretary within these rules. And if, Sir, there is any doubt in your mind that rule 103 is not applicable to a Parliamentary Secretary after he has resigned his office I would appeal to you to create a convention in this House with regard to Parliamentary Secretaries resigning their positions. (DR. NALINAKSHA SANYAL: They can answer questions.) You will find that a convention has already been created in the matter of answering questions by Parliamentary Secretaries. The matter was raised when the Parliamentary Secretaries were first brought up for the purpose of answering questions and you held that this authority can be delegated to Parliamentary Secretaries. Now with regard to the right to make statements on resignation I would respectfully ask you to create a convention. These Parliamentary Secretaries, who are as many as 17 in number, have been made a part and parcel of the Government in the larger sense of the term and so far as the functions of Government in this House are concerned they have discharged those functions probably much more frequently than some of the Ministers themselves. Some of the Ministers, if you would kindly refer to the proceedings of the House you will find, have opened their lips on much fewer occasions than the Parliamentary Secretaries under them. In these circumstances, so far as this House is concerned, I hope, that the Parliamentary Secretaries having had the brunt of the office will also have the privilege of the office, and that you will have no hesitation in creating a convention even if you find that the rules do not assist you in the matter.

Mr. JOGESH CHANDRA GUPTA: Mr. Speaker, Sir, may I draw your attention to the language of rule 103? Instead of saying, "A Minister who

has resigned his office may with consent of the Speaker make a personal statement" the language of rule 103 is: "A member who has resigned the office of Minister." Therefore, Sir, rule 103 does not limit this right to only Ministers but brings in a member who has resigned his office. Whether a Parliamentary Secretary comes within the definition of "Minister" in these rules, that has been pointed out already. Parliamentary Secretary includes any member to whom such a Minister may delegate any function.

Moreover, Sir, if you will also look to the Parliament, you will find that there are Ministers outside the Council of Ministers or Cabinet. It is not necessary that one to be designated to be a Minister and to be treated as a Minister must be a member of the Council of Ministers or Cabinet. We know very well that there are Ministers without having seats in the Cabinet in England. Similarly, Parliamentary Secretaries who perform the functions of Ministers, though they may not have seats in the Council of Ministers, are entitled to be considered as Ministers within the definition of "Minister" in these rules and having regard to the language of rule 103, namely, "A member who has resigned the office of Minister", I submit, Sir, it is clear that a Parliamentary Secretary who has performed the function of a Minister is entitled to make a personal statement in this House.

Mr. SASANKA SEKHAR SANYAL: Sir, I simply want to extend the last argument of Mr. Jogesh Chandra Gupta. (A voice from the ministerialist benches: How far?) so that you may be able to follow it. (Laughter.)

Mr. SPEAKER: This is strictly speaking not a matter on which there ought to be much discussion. In fact, it is a matter that affects the entire House. It is a constitutional question of some importance.

Mr. ABDULLA-AL MAHMOOD: Sir, will you allow every member to speak?

Mr. SPEAKER: Will you kindly resume your seat? As far as I can understand, it is a question of considerable importance and absolutely new. It has never before been agitated in this House, so far as I know. (Mr. SANTOSH KUMAR BASU: No; never before.) I hope honourable members will realise that it is a question of considerable importance. Today there are Parliamentary Secretaries on this side and tomorrow there may be Parliamentary Secretaries on the other side——

Mr. ABDULLA-AL MAHMOOD: Sir, the Leader of the Opposition Mr. Fazlul Huq has already spoken. You have also allowed Mr. Santosh Kumar Basu and Mr. J. C. Gupta to speak. Will you allow every member to speak? (Uproar.)

Mr. SPEAKER: Order, order. Mr. Mahmood, I did not expect this from you. Will you kindly resume your seat?

Mr. M. SHAMSUDDIN AHMED: The Parliamentary Secretary is speaking while remaining seated.

Mr. SPEAKER: When I am on my legs, there ought not to be any discussion and I hope you will kindly remember this. I am advising everybody. I am speaking to all of you—everyone of you. I am not speaking to this side or that side.

Now, I am anxious to establish conventions where the rules are not specific. If today I exclude a Parliamentary Secretary, that will be a precedent and I have got to be very cautious. It is not a question of expediency in a matter like this. It is a question of constitutional procedure and practice, and I shall be glad to be assisted in this matter by constitutional lawyers and gentlemen in this House who can assist me in any way.

Mr. SASANKA SEKHAR SANYAL: Sir, probably you have followed the last argument of Mr. J. C. Gupta in which he wanted to say that in

England Parliamentary Secretaries are considered as part and parcel of the Cabinet. Sir, on this point, I have just a little authority in my hand. If you please refer to Lawrence Lowell's "The Government of England", Volume I, page 77, you will find that the observations are instructive: "The Ministry is composed.....of an inner part that formulates the policy of the Government, and an outer part that follows the lines laid down; the inner part, or Cabinet, containing the more prominent party leaders, who are also holders of the principal offices of state, while the outer part consists of the heads of the less important departments, the Parliamentary Under-Secretaries, the Whips and the Officers of the Royal Household." So, Sir, the Cabinet in this conventional and constitutional sense has been considered to be consisting not merely of Ministers as such but also of those functioning in the Cabinet who not only perform the functions of delegates but also other important functions as a part of Government. Sir, as it is a question of laying down a decision which might be a guiding star for future, I submit that in the interest of the whole House the matter should be approached in a scientific spirit.

I submit, Sir, that in the interests of the whole House the matter should be aprpoached in a broad spirit. Let us not in the excitement of the moment mislead ourselves in an important constitutional issue, and let us not also in the heat of the moment approach the question merely as partisans. Therefore I maintain, Sir, that apart from the construction of section 103 of the rules, there is, Sir, this treatment of the subject from a broader and wider point of view. Since the authorities on constitutional matters in England hold the view that as Parliamentary Secretaries enjoy the status of Ministers, I submit that, when this member has resigned on a highly controversial Bill, that is agitating the whole Province, it is only fair that he should be given an opportunity to explain the reasons which were responsible for his resignation.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, I appreciate the difficulty of establishing a convention here which may bring about a constitutional millennium. Honourable members on the Opposition benches have quoted sections of the Rules of Business——

Mr. SPEAKER: What are you driving at?

Mr. ABDUR RAHMAN SIDDIQI: I am trying to be of service to you, Sir.

Dr. NALINAKSHA SANYAL: Service to humanity!

Mr. SPEAKER: Order, order.

Mr. ABDUR RAHMAN SIDDIQI: They will not listen. (Interruption.)

Mr. SANTOSH KUMAR BASU: Let us hear him. (Laughter from the Opposition benches.)

Mr. ABDUR RAHMAN SIDDIQI: Sir, on some occasions when it suits them they make comparisons with the British House of Commons, and on other occasions they conveniently ignore it. That is our difficulty. In the House of Commons, Sir, when the Minister is its member, there is a Parliamentary Secretary in the other House, and *vice versa*.

Dr. NALINAKSHA SANYAL: Not *vice versa*. He is making a misstatement of facts, Sir.

Mr. SPEAKER: Order Order. Do not interrupt him.

Mr. ABDUR RAHMAN SIDDIQI: If my knowledge of constitutional history and law is so——

Dr. NALINAKSHA SANYAL: Poor! (Interruption.)

Mr. SPEAKER: I would request you not to disturb him in this manner.

Mr. ABDUR RAHMAN SIDDIQI: A Parliamentary Secretary has never been known to have made a statement either in the House of Commons or in the House of Lords because a Parliamentary Secretary is not a Member of the Cabinet. The point which I would like to place before you, in all humility, is that the Minister and the Parliamentary Secretary sit together in this House. The Parliamentary Secretary functions here only in one instance, namely, in giving replies to questions, and nothing else. The Minister is there as a Minister, and the Parliamentary Secretary at best is functioning under the delegated authority from the Minister. The most astounding statements made today were from the Leader of the Opposition. He had Parliamentary Secretaries in his own days who had also on accasions replied to questions. Their replying to questions had never been considered in any way derogatory to or lessening the rights and privileges of the Minister. Therefore, Sir, the Parliamentary Secretary at best may be considered as a helping hand. (Interruption.) (Dr. NALINAKSHA SANYAL: An understudy.) In this House it has to be decided who is in charge of a particular portfolio and who acts as Parliamentary Secretary under the delegated authority of the Minister holding that portfolio.

Mr. MANMATHA NATH DAS: Mr. Speaker, Sir, I would respectfully invite your attention to rule 103 of the Assembly Procedure Rules. Mr. J. C. Gupta has already drawn attention to this rule. In this connection, Sir, I would invite your attention to the proviso which is as follows: "Provided that a Minister shall be entitled after such member has made his statement to make a statement pertinent thereto." Therefore a distinction has been made in the language of the rule between a member who has rsigned the office of Minister and a Minister as it has been used in the proviso. So, Sir, I submit that sub-rule (*1*) evidently includes a gentleman who is not a Minister himself but who holds the office of a Minister, and that must mean a Parliamentary Secretary.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I believe the Leader of the Opposition and Mr. Santosh Kumar Basu have both admitted that as far as rule 103 is concerned, at the time when the rules were framed the question of Parliamentary Secretaries was not contemplated. Strictly speaking, therefore, the rule never meant Parliamentary Secretaries to have the privilege. Now, Sir, I come to the point raised by Mr. J. C. Gupta. I am surprised to see that an eminent lawyer of Mr. Gupta's standing should have raised that point. Once a Minister resigns, he cannot be termed a Minister. A Minister who has resigned is no longer a Minister. The rule is that a member who has resigned the office of Minister may make a statement with the consent of the Speaker. There is no question of the language of this section being anything else than what it is. Sir, all doubts are set at rest by the use of the words "the office of Minister". All the arguments that have been made had been to the effect that certain duties of Ministers are being performed by Parliamentary Secretaries, and that therefore they are entitled to this privilege. But I maintain that rule 103 refers only to a Minister and not to a Parliamentary Secretary. Therefore, Sir, the convention sought to be established can only be done here if there is such a convention in any other Parliament. So far all the members who have spoken have not cited a single case where Parilamentary Secretaries similar to those we have here, as distinct from Ministers, have ever had the privilege of making a statement in any other Legislature after they had submitted their resignation. Therefore, Sir, I maintain that according to the rules Mr. Atul Chandra Kumar should be strictly debarred from making a statement. We cannot establish a convention here when it does not exist anywhere else.

Dr. SYAMAPRASAD MOOKERJEE: Mr. Speaker, Sir, the question which you have been called upon to decide is one of considerable constitutional importance, and I would request you to decide this question not with reference to rule 103 but with reference to rule 116 which gives you a

reserve power to make orders, and give directions in cases which are not provided for under the rules. Rule 116 lays down that the Speaker may, by orders not inconsistent with these rules, provide for matters for which no provision is made, and may give such directions as may be necessary for giving effect to these rules and such orders. Now, both the Leader of the Opposition and the Leader of the House have agreed that when these rules were originally framed, the question of giving the same privilege to Parliamentary Secretaries as was given to Hon'ble Ministers under rule 103 was not considered at all. There is no provision anywhere in the rules that Parliamentary Secretaries will be debarred from making statements which Ministers are entitled to make under rule 103. Now, Sir, rule 14 also gives you ample power to deal with a situation such as the present one. Notwithstanding anything contained in these rules, a member may, with the permission of the Speaker, give a personal explanation at any time, but in doing so no debatable matter may be brought forward and no debate can arise. Now, if a Parliamentary Secretary after having resigned his office as a Parliamentary Secretary wants to offer an explanation as to why he has resigned, he may ask for your permission, and if you give the permission, then under rule 14 the statement can be made. The Leader of the House rightly asked whether there was any precedent and you also enquired whether there was any precedent in respect of a Parliamentary Secretary speaking after resignation. In May's Parliamentary Practice at page 311, the portion that deals with explanations which may be given by Ministers, the language is as follows: Explanation by a member of the circumstances which have caused his resignation of an office in the Government—mark the words, not office as a Minister but resignation of an office in the Government—is usually made immediately before the commencement of the public business, though debate must not arise upon such statements. Statements pertinent thereto on behalf of Government are permitted. Here the question, therefore, arises whether a Parliamentary Secretary occupies a position in the government of the day. I believe even the Leader of the House will not deny that a Parliamentary Secretary occupies that position; he may not be a member of the Council of Ministers, but he certainly occupies a position in the government of the day, which entitles a Minister to delegate his power as Minister to a Parliamentary Secretary and he discharges some of the functions of the Minister on the floor of the House. In respect of that aspect of the question, the original letter from Mr. Pain has been placed before you by Dr. Sanyal delegating to Mr. Atul Chandra Kumar certain powers of the Minister. In view of all these circumstances, I would submit, Sir, that you will rule that a Parliamentary Secretary, after resignation, is entitled to speak. After all, as you pointed out, Sir, this is for the first time that the question has been raised and it is for you to establish a convention. The question which should weigh with you is the convention, something which is definitely contrary to any of the rules of the House? There is nothing in the rules which go against this convention. On the other hand, there is everything consistent with the position which has been given to the Parliamentary Secretary and with the right which he has already exercised that after resigning his office he should be given a chance of making his viewpoint known to the House, and through the House to the public outside.

Dr. NALINAKSHA SANYAL: I want to say one word about this precedent, Sir. As a matter of fact my friend Dr. Syamaprasad Mookerjee has already exposed the hollowness——

Mr. SPEAKER: Dr. Sanyal, please do not speak in that way. We are now discussing the matter——

Dr. NALINAKSHA SANYAL: He has exposed the hollowness of certain arguments advanced——

Mr. SPEAKER: You cannot speak like that, Dr. Sanyal. You can assist me.

Dr. NALINAKSHA SANYAL: Sir, certain members in the garb of assisting you. have tried to misdirect you and the House.

Mr. SPEAKER: Dr. Sanyal, if you can assist me with any precedent, it will be helpful to me. The thing that Dr. Syamaprasad Mookerjee has given is "office in the Government". That again requires the explanation of the word "Government". Can you or any gentlemen of this House assist me with any authority where it has been definitely laid down that a Parliamentary Secretary, not enjoying the status of a Minister, is allowed to make a statement on resignation? That is one thing, and the other thing is where a Parliamentary Secretary of that status has not been permitted to make a statement. These are two clear things. If any honourable member of this House can assist me with any precedent, that is welcome.

Dr. NALINAKSHA SANYAL: That is exactly where I was coming to. Two members have argued that nowhere in the world——

Mr. SPEAKER: It is not a speech, Dr. Sanyal. I do not want it. Please tell me if you can give me any authority.

Mr. SASANKA SEKHAR SANYAL: May I suggest that you try to look up books and authority and apply your mind to the matter? Let us also occupy ourselves so that we can come to a decision hereafter.

Mr. SPEAKER: That is exactly the thing that I was going to say. This is a question of first impression. It requires serious consideration, and instead of any further discussion in this House, I would welcome any suggestion from any member of this House on the two main points that I have stated—not in this House, but kindly in my chamber—and I will give my decision on the next day.

Dr. NALINAKSHA SANYAL: In the meantime let Mr. Kumar finish his statement, Sir.

Mr. SPEAKER: I cannot allow that.

(At this stage the House was adjourned for fifteen minutes for prayer.)

(After adjournment.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Mr. Speaker, Sir——

Dr. NALINAKSHA SANYAL: Resuming the point of order on which I was speaking last evening——

Mr. SPEAKER: Not now, after his statement.

Point of privilege.

The Hon'ble Khwaja Sir NAZIMUDDIN: Mr. Speaker, Sir, I want to bring before the House a question of privilege of the House. I am referring to the statement made by Mr. Kiran Sankar Roy, the leader of the official Congress Parliamentary Party, which was a reflection on the Speaker and a reflection on the Chair. (Dr. NALINAKSHA SANYAL: Question.)

Mr. SPEAKER: There should not be any interruption.

Dr. NALINAKSHA SANYAL: This is a parliamentary interruption, Sir.

Mr. SPEAKER: I know what is parliamentary interruption and what is not.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the language used was, I think, insulting as far as the dignity and office of the Speaker was concerned. (Dr. NALINAKSHA SANYAL: Gross misrepresentation.) I think it is not right to repeat it. It was reported in all the papers.

(Dr. NALINAKSHA SANYAL: May be *Morning News*.) I think I read it in the *Statesman* also. (Mr. PRAMATHA NATH BANERJEE: The same brand.) If the honourable members suggest that the Speaker should verify from the record and then if he finds that what I have said is borne out there, then I think it will only be right and proper and I expect that Mr. Kiran Sankar Roy himself will make an unqualified apology, and in case that is not forthcoming the Speaker will take proper steps for seeing that the dignity of the Chair is maintained.

Mr. KIRAN SANKAR ROY: Mr. Speaker, at the very outset I declare that I take entire responsibility of what was said and done by the members belonging to my party. Mr. Speaker, after the display of boisterousness on the part of the members of the ministerial party today and the remark made by a ministerial supporter on that day that you, Sir, belonged to the Opposition and was partial to the Opposition a remark to which you yourself took objection, I should have thought that the Leader of the House would hesitate before making a statement which he has made. Mr. Speaker, I am not surprised at the statement he has made just now after the attempt to intimidate the House by display of police force yesterday. Sir, it is five days since the incidents to which the Chief Minister has referred took place. All these five days I would like to know from him what steps did he take, what approaches did he make to improve the atmosphere of this House. It is a matter of great regret that Sir Nazimuddin forgets that he is also the Leader of the House and the Chief Minister of the entire province

Mr. FAZLUR RAHMAN: On a point of order

Mr. SPEAKER: I quite see that. This is a very delicate matter and an important matter in my humble opinion. I think you should be very brief and also there may not be attacks and counter-attacks between the parties which will further embitter the feelings

Mr. HARIPADA CHATTOPADHYAY: All trouble is due to the Leader of the House because under threat he moved the closure motion.

Mr. SPEAKER: Will you kindly resume your seat?

Mr. FAZLUR RAHMAN: On a point of order Sir, the Chief Minister and the Leader of the House has referred to certain incidents. Those incidents refer to a certain member and that member should tell the House regarding those incidents alone. He should not bring other extraneous matters which are not relevant. If anything else is to be brought in this House that can be brought by the Leader of the Opposition if he thinks so with notice to this side. If we stick to your direction, that is the arrangement which has been arrived at between the leaders of the parties of this House that no statement shall be made in this House except by the Leader of the House and the Leader of the Opposition with previous notice to each other. No matter should be brought by any other member and therefore under the garb of giving an explanation he should not make other statements.

Mr. SPEAKER: It is really painful for me to tell the House that I do not like that there should be further embitterment of feelings. The Leader of the House has mentioned a certain incident. (Dr. NALINAKSHA SANYAL: With what object?) Whatever the object may be, your leader is speaking and I would ask Mr. Roy to be brief. Whatever might have been the incident on the 25th, I hope that will be forgotten and you will try to make up the difference in the interest of the dignity of this House. That is all that I request you to remember. (Interruption from Opposition benches.) I am sorry that I am interrupted. I only can give this direction for your kind consideration and acceptance that you will not bring in matters which may embitter feelings. I hope you will kindly confine yourself to the incident of that particular day.

Dr. NALINAKSHA SANYAL: That is your pious wish in that respect.

Mr. SPEAKER: What do you mean by that?

Dr. NALINAKSHA SANYAL: I mean to say that it is only your pious wish that there will not be further embitterment of feeling.

Mr. SPEAKER: Will you kindly resume your seat? It is my duty to remind the House that there should not be any further embitterment.

Mr. HARIPADA CHATTOPADHYAY: May I submit, Sir —

Mr. SPEAKER: Order, order. I think I have got to be a little bit strict. When I give a certain direction, that may not be satisfactory to some, but I think I have got the right to give a certain direction and I want that direction to be complied with. That is what I want (Dr. NALINAKSHA SANYAL: Under which rule?) and that will, I hope, bring the dignity of the House. Mr. Roy, I will request you not to say anything by way of counter-attack. (Cries of "why, why" from the Opposition benches.)

Dr. NALINAKSHA SANYAL: That is the Speaker's direction.

Mr. SPEAKER: I want to remind you repeatedly that I am giving a certain direction ——

Mr. HARIPADA CHATTOPADHYAY: Sir, the Leader of the House should be the first gentleman to apologise in this House. He attacked our leader first.

Mr. SPEAKER: Order, order. Mr. Chatterji, I am not going to tolerate any more disturbances like this when I am on my legs. I know there will be differences of opinion with regard to a certain statement of facts in connection with a certain incident. The Leader of the House has put it in his own way. (Cries of "objectionable", "objectionable" from the Opposition benches.) It may be absolutely objectionable.

Mr. SASANKA SEKHAR SANYAL: You did not give that direction to the Leader of the House.

(Mr. Haripada Chattopadhyay also rose to speak.)

Mr. SPEAKER: Order, order. It is very painful for me to say all this. I think your leader can defend himself much better than yourself. I will see that he is not obstructed. What I am going to say is this——

Mr. SASANKA SEKHAR SANYAL: You did not give this direction to the other side. Why do you give this direction to this side only?

Mr. SPEAKER: I am not giving this direction to you only, Mr. Sanyal. I am giving this direction to the whole House.

Mr. A. K. FAZLUL HUQ: Sir, Mr. Kiran Sankar Roy was about to make a statement. The Leader of the House has made a statement and Mr. Kiran Sankar Roy being the person directly affected took your permission to make a statement in connection with the statement made by the Leader of the House. May I appeal to you to let Mr. Kiran Sankar Roy finish his statement and at the same time may I make my earnest appeal to my friends at least on this side of the House not to rise from their seats or interrupt anybody when speaking. I would like to see a calm atmosphere prevailing in this House, and if everybody interrupts, the proceedings of the House cannot be conducted. I earnestly appeal to all my friends here to accede to my request and to act accordingly and not to rise from their seats and interrupt anybody and especially the Speaker when he is speaking.

Mr. KIRAN SANKAR ROY: Mr. Speaker, I am sorry, with due respect to you, to say that I do not follow the reasons for the directions given by you. I have not spoken for more than three minutes. So this direction to

be brief is meaningless. As regards rousing passion—and that is exactly my point—the Chief Minister forgetting his own position is trying to rouse passion which he should not have done. That is my charge against him. Mr. Speaker, it is not my intention to revive the passion of that day, and therefore I shall take no further notice of the statement of the Chief Minister excepting this that I beg to remind him of the speech he delivered when he was in opposition. I am not quoting his exact words, because I have not got the book with me. I believe this is what he said: He said that if his community is attacked, he will do his utmost to repel that attack. Sir, I also take that position. It is not my community alone which is being attacked by this Bill. Both the communities, namely, Hindus and Muslims are being attacked. (Cries of "question, question" from the Coalition benches.)

Nawabzada K. NASARULLAH: You have got no right to say about the Muslims.

Mr. KIRAN SANKAR ROY: Yes, I have got every right. Mr. Speaker, if the source of nationalism of this province is sought to be poisoned, I shall do my best and every member of the party to which I belong and every member of the Opposition will do his utmost to resist that attack. (Cries of "hear, hear" from the Opposition benches.) Mr Speaker, as regards yourself and the House I have no hesitation to say that whatever we did and said on that day and it is very difficult to remember what one said on that day after five days had elapsed—we have every respect for you and we had no intention either to insult you or the House. More than this I am not prepared to say.

Mr. SANTOSH KUMAR BASU: Sir, when this matter was raised as a question of privilege of the House by the Leader of the House, it is my duty and privilege to make certain observations on what has just transpired in this House——

Mr. FAZLUR RAHMAN: On a point of order, Sir. (Cries of "sit down, sit down" from the Opposition benches.)

Mr. SPEAKER: Order, order. What is your point of order?

Mr. FAZLUR RAHMAN: Sir, when in the past in this House during your régime the question of privilege was raised you said that there was no privilege and you did not know what was the privilege of this House. Then you called the leaders of different parties in your room and discussed about what would be the procedure if it was not a motion before the House and if any other matter was to be brought before the House in the form of statement either concerning the privilege of this House or concerning other matters. For this reason you called the leaders of different parties in your chamber and there the arrangement was that only the Leader of the House and the Leader of the Opposition would be able to make statements with previous notice. How can these things be brought before the House now? Here the Hon'ble the Chief Minister with due notice has made a statement and as it relates to Mr. Kiran Sankar Roy it was fair on your part that you should allow him to say what he has got to say in his self-defence. But this cannot be a matter of further debate. Therefore, if any other member stands up to debate on this point, I think you cannot allow him to go on. This is my point of order.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. The point of order raised by the Chief Whip of Government has surprised us. In my submission that is no point of order at all.

Mr. SPEAKER: I do not know whether any discussion on a point of order like this is permissible. I have got to look into that matter.

Mr. SANTOSH KUMAR BASU: Is that a point of order?

Mr. SPEAKER: I do not want any discussion on that thing. Will you kindly resume your seat, Mr. Basu?

I do not know whether a discussion on a point of order like this is permissible. I have got to look into that matter.

Mr. SANTOSH KUMAR BASU: Sir——

Mr. SPEAKER: Mr. Basu, will you kindly resume your seat? Objection has been raised on the ground that it is a matter which affects not only Mr. Kiran Sankar Roy but other members as well.

Mr. SANTOSH KUMAR BASU: Sir, before you give your decision, may I submit——

Mr. SPEAKER: Order, order. This kind of interruptions prevents orderly conduct of the business of the House. The Hon'ble Leader of the House raised a point of privilege. I would like to point out that I myself have not got a very clear idea about these things because of the absence of a clear definition of what the privileges are. We all have got hazy ideas about privileges. Apart from these things, what we are discussing here is about the disorder that took place on a certain day. (Interruption.) I am not saying anything regarding the conduct of anybody because I do not think it would be fair for me to do so. What I am just now telling you is about the point raised by the Hon'ble the Chief Minister with regard to a certain alleged conduct of the Leader of the Congress Party. The Leader of the House did not specifically mention what the alleged conduct was, and for that I thank him. Mr. Roy has also said what he has got to say. I do not think there was any attack or any reference to anybody in the statement made by the Leader of the House. If that is so, I do not see how Mr. Basu can speak. It is not a matter open for discussion.

Dr. NALINAKSHA SANYAL: Yesterday when the Hon'ble the Chief Minister sought your permission to make a statement, we from this side of the House then and there submitted to you, Sir, that this statement would have to be open to observations from different sections of the House. In that case alone, a statement of that character could be acceptable, and you also, Sir, signified your assent that you would give the House an opportunity for discussion. (Cries of "No", "no" from the Government benches.) Sir, I submit that it is only fair that you should be pleased to give permission to other members of this side at least, if members of the opposite side do not intend to participate, to make their observations on the statement made by the Hon'ble the Chief Minister, and if you, Sir, would so permit, I would at once move formally a motion stating "that this Assembly is of opinion that the Chief Minister ought not to have made any statement of the character he has made today" That is the formal motion, Sir.

Mr. SPEAKER: That is another matter On this statement made by the Hon'ble the Chief Minister I cannot allow any general discussion.

Dr. NALINAKSHA SANYAL: You agreed to that yesterday.

Mr. SPEAKER: I have never said that All that I said was this: if the statement affects any honourable member of the House, certainly he can make a statement.

Mr. FAZLUR RAHMAN: On a point of order, Sir. I would like to know how it affects any honourable member. You heard the statement of the Hon'ble the Chief Minister. Please give clear directions.

Mr. SANTOSH KUMAR BASU: That is exactly what I was going to submit to you, Sir. The Leader of the House made it perfectly clear that he was referring to the disorder in the House on a previous day, and you have just now repeated his words that he referred to the disorder in the

House and particularly to the conduct of Mr. Kiran Sankar Roy. As soon as the question of the privilege of the House is brought in on a matter which has been given rise to by a disorder in the House, I think it is the inalienable right of every member of the House to defend his position when such a charge is brought against the House itself. I am absolutely certain that on a calm consideration of my rights in this matter you will have no hesitation in coming to the conclusion that I have every right to challenge the statement which the Hon'ble Leader of the House has thought fit to make in this connection. It is not only a matter which affects Mr. Kiran Sankar Roy but other members also, because up till now the Leader of the House has not been able to utter one single word or sentence attributed to Mr. Kiran Sankar Roy showing that he has done something which has gone against the privilege of the House.

Mr. SPEAKER: Will you kindly take your seat for a moment? This is practically making a general statement. I have already told you that on this statement I am not goint to allow any general discussion.

Mr. PRAMATHA NATH BANERJEE: How can you say that, Sir?

Mr. SPEAKER: Order, order.

Mr. SANTOSH KUMAR BASU: You have just now said----

Mr. SPEAKER: Order, order. I am on my legs I have already told you that if you want to have any discussion, I cannot allow it at least today I will consider this matter and see if I can allow discussion on this matter hereafter. For the present we must proceed with the business of the day.

Mr. SANTOSH KUMAR BASU: If that is the position which the Government desire to take up, viz., that of proceeding with some other business of the House, then the Leader of the House was altogether ill-advised in bringing up this highly controversial matter today affecting the privilege of the entire House.

Mr. SPEAKER: Order, order.

Mr. SANTOSH KUMAR BASU: Sir, you have not heard me fully

Mr. SPEAKER: I have already heard you. I have already said that I will not allow any general discussion on the statement today. I will consider if this statement can be made the subject-matter of discussion on any other day.

Dr. NALINAKSHA SANYAL: On a point of order, Sir.

Mr. SPEAKER: I have already given my decision. But if you still insist that I have not the right to give that decision or that I should change that decision——(Interruption.)

Mr. SANTOSH KUMAR BASU: Sir, I have not entered into a discussion of the subject at all. I am only making my submission in order to enable you to give a decision, as you were pleased to promise me a short while ago that you were not going to give a decision without hearing me. I am sorry I had hardly begun when I was interrupted and you also pulled me up Now, Sir, what I was going to submit is this: a serious charge has been brought against the members of this House under the garb of "privilege", and it is unfair to the members of the House that this matter should be allowed to hang on for a number of days I do not know how long you will reserve your decision on this matter. The statement has been made here and now. The Leader of the House has taken upon himself the responsibility of bringing a serious charge against the members of the House that we were guilty of disorderly conduct, particularly against a valued and honoured member of this House, Mr. Kiran Sankar Roy. Now, Sir, it is very poor consolation to him if he is is allowed to say a few words,

all the time the Chair insisting that he must be very brief. Sir, I do not think that you will curtail the rights of the members to defend themselves here and now against a charge which has been brought by the Leader of the House, even though four or five precious days have been allowed to pass without Sir Nazimuddin uttering a single word with regard to this matter.

It was only yesterday that we pressed the Chief Minister to bring up this matter, but he said that he could not do it that day but he would do it today. Now, Sir, if after the statement made by the Hon'ble the Chief Minister we are denied the right to answer the charges that have been levelled against us or if that right is postponed or deferred to a future date, I cannot conceive of anything more unfair, more outrageous—if I may use that expression—to our rights and privileges as members of this House. Sir, I hope you will take this view that having brought up this matter today they did fully realise that a debate or a discussion or submissions on this matter would necessarily follow the statement of the Hon'ble the Chief Minister. Sir Nazimuddin has deliberately chosen the course of bringing this matter up in order to rouse the passion which was dying down and which he ought to have forgotten by this time, and he must thank himself if his action gives rise to bitter controversy again on the floor of the House.

Now, Sir, only one member of the Opposition has had his say in the midst of a stringent condition that he must be very brief. Now if other members are shut out by you from replying to the charges until a future date, which you in your wisdom may be pleased to fix, that will be extremely unfair.

Dr. NALINAKSHA SANYAL: The Speaker cannot fix the date.

Mr. SANTOSH KUMAR BASU: Again, Sir, unfortunately it is not open to you under the rules to fix the date, it is again in the hands of the Government. And until Government in the plenitude of their wisdom and generosity will care to bring this matter up and fix a date, the charge that has been levelled must hang on in the minds of the members and everybody else, and must go on doing its work, and the intention of the Government is that until that date "you must be *chup*, you must be mum; you must not utter a single word". I suppose you will not be a party to such gross injustice and unfairness as has been suggested by the Government in this case. I submit, Sir, that you will certainly allow me to have my say with regard to the statement made by the Chief Minister and also other members who have been affected by the charge and the allegation made by the Chief Minister in his statement that they were guilty of serious disorderly conduct in the House. I may tell him, Sir, that he himself is guilty of this charge, his own followers are guilty of it; for, he himself being afraid of the conduct of his followers and being unable to control them, asked for the closure of the debate. (Cries of "absolutely false" from the Government benches.)

Sir, it is the right of each and every member on this side of the House to discuss this matter here and now and to give a fitting reply.

Mr. ATUL KRISHNA CHOSE: Mr. Speaker, Sir,

Mr. SPEAKER: Will you kindly resume your seat? I am not going to allow you to speak.

(At this stage Mr. A. K. Fazlul Huq rose to speak.)

Mr. Huq, do you want to speak? I hope you will be brief.

Mr. SASANKA SEKHAR SANYAL: It looks as if we have nothing to say. What is this attitude of yours, Sir?

Mr. SPEAKER: Will you kindly resume your seat? Perhaps I have made a mistake; perhaps I do not know the rules; perhaps I am helpless. The position simply is this: I never understood that a matter like this would be open to discussion.

Dr. NALINAKSHA SANYAL: We made it perfectly clear yesterday.

Mr. SPEAKER: You need not remind me of that. That was my impression, that was my idea. I am perfectly aware of what took place yesterday, but really I never expected a debate on a matter like this. It may be I am wrong in my idea; it may be I am wrong in my knowledge of law—it may be anything. But it is perfectly true that I never expected a discussion on a matter like this. What I expected was that when a statement was made by the Hon'ble the Leader of the House, a statement might be made by the Leader of the Opposition or any gentleman directly affected by it. That was my impression. You now say that you have got the inherent right to discuss this matter here and now. I do not agree to that. I stated definitely that as Mr. Kiran Sankar Roy was directly referred to, he had the right then and there to controvert, to refute, to deny, or to admit the charge.

Dr. NALINAKKSHA SANYAL: Under your direction?

Mr. SPEAKER: Certainly, everything here must be done under my direction.

Mr. M. SHAMSUDDIN AHMED: Mr. Speaker, Sir,——

Mr. SPEAKER: Will you kindly sit down? I am still on my legs. Now, as I was saying, that was my idea. So, if the Leader of the Opposition rises, I will allow him to speak

Dr. SYAMAPRASAD MOOKERJEE: Before the Leader of the Opposition rises, Sir, may I just make one suggestion to you? You have just now ruled that you will not permit a general discussion in which every member may claim the inherent right to participate, but you will allow either the Leader of the Opposition to speak or those members to speak who are directly affected by the statement of the Leader of the House. Therefore, Sir, my submission to you would be this. The statement made by the Leader of the House does not affect Mr. Kiran Sankar Roy alone. Whatever Mr. Kiran Sankar Roy has said or done on that day, was done on behalf of the parties in opposition and every leader of the Opposition takes full responsibility for what happened. (Cries of "hot", "ho" from the Coalition benches.) It is no use for the Government members to imitate zoological garden sounds. I am submitting that according to your ruling every member of the House has been affected, and we are of opinion that the statement which the Leader of the House has made does not affect Mr. Kiran Sankar Roy alone; it affects every party in the Opposition; and according to the ruling you have given you will at least allow the leaders of the respective parties to make their submissions on the points of privilege raised by the Leader of the House One point to be borne in mind is, what is the suggestion made by the Leader of the House? He has come entirely unprepared with a copy of the speech which he says Mr. Kiran Sankar Roy had delivered. He could not even find out from the proceedings what words he actually used. Well, Sir, let somebody find out what words were used. If the words were objectionable, then let Mr. Kiran Sankar Roy explain. If his explanation is unsatisfactory, let action be taken against him. The Leader of the House has made a statement not only against Mr. Kiran Sankar Roy but also against other members. So, Sir, you will allow us to make our submissions.

Mr. SPEAKER: Dr. Mookerjee, if I have understood you aright, you have made two points. The first is that whatever Mr. Roy has said or done on that occasion, has been done on behalf of the entire Opposition. If that is so, he can answer on behalf of the Opposition.

The second point that he has made is that no definite charge has been made by the Hon'ble the Leader of the House. If no definite charge has been made, there ends the matter and he can at once say "nothing has been

said against us and we take no notice of it" and that is what Mr. Roy has said exactly. Mr. Fazlul Huq.

(Mr. Shamsuddin Ahmed rose to speak.)

(Interruption from Coalition benches.)

I am not going to allow you to speak. I have called upon Mr. Fazlul Huq to speak. It is my right to call upon Leaders to speak.

Mr. M. SHAMSUDDIN AHMED: Sir, I am on my legs.

Mr. SPEAKER: I am not going to listen to you.

Mr. M. SHAMSUDDIN AHMED: You will not listen to me, but I will speak on.

Dr. NALINAKSHA SANYAL: Sir, on a point of order.

Mr. SPEAKER: There is no point of order here.

Dr. NALINAKSHA SANYAL: I have a point of order.

Mr. SPEAKER: I have called upon Mr. Fazlul Huq who was anxious to speak and I think it is only fair that Mr. Fazlul Huq should speak if he desires to speak. I will certainly allow him to speak, he being the Leader of the Opposition. Mr Fazlul Huq, are you willing to speak?

Mr. M. SHAMSUDDIN AHMED: He will speak after other leaders have spoken.

Mr. SPEAKER: That is another matter I am not going to allow any other member to speak

Mr. M. SHAMSUDDIN AHMED: Sir, I rise to ---

Mr. SPEAKER: I am not going to listen to you. I have called upon Mr. Fazlul Huq to speak. I will consider your case after Mr. Fazlul Huq has spoken

Mr. M. SHAMSUDDIN AHMED: I have not applied to you.

Mr. SPEAKER: If he does not speak, that is another matter.

Mr. M. SHAMSUDDIN AHMED: On a point of privilege, Sir.

Mr. SPEAKER: Mr Fazlul Huq, will you speak or not? I am just asking him to speak

Dr. NALINAKSHA SANYAL: On a point of order, Sir.

Mr. SPEAKER: I have called upon Mr Fazlul Huq to speak. There is no discussion now So, there cannot be any point of order

Dr. NALINAKSHA SANYAL: Sir, unless you resume your seat, how can I raise a point of order? The leader of the Krishak Proja Party several times was on his legs, got up and tried to catch your eye. At that time you were on your legs and you said that as you were on your legs, other members should resume their seats and it implied that as soon as you resumed your seat, the leader of the Krishak Proja Party may renew his attempt to catch your eye I believe, Sir, he has been able to catch your eye now If he has so been able and if Mr. Fazlul Huq, the Leader of the Opposition, has himself yielded and has no objection to allow Mr. Shamsuddin Ahmed to speak before him, we submit, Sir, that according to the rules if the person who is called upon by you to speak has no objection himself and he yields place to somebody else, you may be pleased to permit him to speak before Mr. Fazlul Huq.

Mr. A. K. FAZLUL HUQ: Sir, I wish to make a statement not merely on what has been said by the Leader of the House but also regarding an

incident which took place and which came to my notice but which fortunately has escaped the notice of the majority in this House. I noticed, Sir, that when Mr. Kiran Sankar Roy was making his statement and when he said that this Bill before the House is opposed not merely by the Hindu community but also by Muslims, certain members supporting the Ministry made a remark regarding the Muslims now in opposition—a remark of a most objectionable character which I do not wish to repeat because it will lead to acrimonious discussions. But, Sir, I will accept the position that the members supporting the Ministers do not admit that there are Muslims in Bengal who are opposed to the Bill or to the passage of the Bill in the manner in which Government have decided to pass it through the House. On this point I wish to make one point perfectly clear. If you read the proceedings of the Parliamentary Committee appointed by the Round Table Conferences when the subject of the Provincial and the Central Legislatures came up, it was decided that these legislations should follow and should obey certain prescribed rules. It was realised that there was an immense transfer of power to the people and having regard to the fact that we have in India warring sections and communities, it was necessary to provide safeguards so that one community or one section may not encroach upon the rights of members of other communities. Now, Sir, it was decided that no legislation should be brought forward which affected the interests of other communities and which divided the two major communities.

Sir, my misfortune is that neither the members of the Government nor those who are supporting the members of the Government took any part in the Round Table Conferences and many of them have not got sufficient knowledge of English to understand what took place there by reading the reports of the conferences.

Now, Sir, one thing is certain that the entire Hindu community is opposed to the Bill. I am not going to enter into any controversy. The entire Hindu community is opposed to the Bill. (Cries of "question", "question" from the Coalition benches.) I also question that the entire Muslim community is supporting the Bill.

Mr. SPEAKER: Please do not dilate upon it.

Mr. A. K. FAZLUL HUQ: Sir, I am not entering into the merits of the Bill. But I claim the right to speak and I would request you to bring order in the House so that the members may listen to me. There has been much disturbance in the House. Let the members keep quiet. (A voice from the ministerialist benches: Let Mr. Fazlul Huq resign and seek re-election.) (Sj. NARENDRA NATH DAS GUPTA: Why don't you resign?)

Mr. SPEAKER: Mr. Fazlul Huq, may I remind you that you have already had your say on the Secondary Education Bill. If you want to make a reference to it, make only a passing reference. Do not dilate upon it. That is my direction. (Uproar.)

Mr. A. K. FAZLUL HUQ: Sir, I cannot speak if things go on in this way. I claim the right to have a patient hearing. What I was saying, Sir, was that I claim my right and there should not be any interruption.

Now, Sir, these gentlemen made certain references to the Secondary Education Bill and cast certain reflections on the Muslim members now in the Opposition, and I consider it my duty not merely to enter my emphatic protest but also to draw your attention to the fact that Mr. Siddiqi is not justified in making his comments, and the facts are quite contrary to what my honourable friend has stated.

So far as this Bill is concerned, this Bill is opposed by the entire Hindu community. (Cries of "No, no" from the ministerialist benches.)

Mr. JOGESH CHANDRA GUPTA: Let any member of the Hindu community who supports the Secondary Education Bill resign and seek re-election.

Khan Bahadur MOHAMMED ALI: Let Mr. Fazlul Huq resign and seek re-election. (Uproar.)

Sj. NARENDRA NATH DAS GUPTA: Ask your leader what happened at Patuakhali.

Mr. A. K. FAZLUL HUQ: Every Hindu whose conversion to Islam is not complete is against the Bill. (Laughter.) (Uproar.) This Bill has divided the people of Bengal into two hostile camps. (Cries of "No no" from the ministerialist benches.) No Hindu whose conversion to Islam is not complete is in favour of this Bill. (Uproar.)

Mr. M. SHAMSUDDIN AHMED: Mr. Fazlul Huq remembers the Patuakhali election. (Renewed uproar.)

Mr. SPEAKER: Order, order. You are speaking of events that took place in 1936. There have been many changes since 1936. Let us proceed with our business today. Yes, Mr. Fazlul Huq.

Mr. A. K. FAZLUL HUQ: Now, Sir, I was saying that this Bill has divided the people of Bengal into two hostile camps. If I am right—and I maintain that I am right—then that is an unanswerable reason why the Bill in its present form should not be proceeded with.

Khan Bahadur MOHAMMED ALI: On a point of order, Sir. Is he speaking on the Bill You are giving the Leader of the Opposition latitude.

Mr. SPEAKER: I hope, Mr. Fazlul Huq, you are not speaking on the Bill. You have already had your say on it. If you want to refer to it, just make a passing reference and then pass on to the other things. As I understand it, no incident is admitted either on this side or on that side. It comes to that practically. I hope there was no incident and there will not be any incident in future. Let us go on with our business peacefully and calmly. Yes, Mr Fazlul Huq

Mr. A. K. FAZLUL HUQ: I hope, Sir, that the members on that side of the House know sufficient English to understand what you have said. (Laughter), You have asked them to keep quiet at least when I am speaking. It is at least a common courtesy to remain quiet.

Now, Sir, I will not say anything regarding the nature of the Bill which, as I have already said, has divided the people of this Province into two hostile camps. I will not say anything regarding the passions that have been roused in the province by the Bill I will not say anything regarding the manner in which Government has been rushing through this Bill and I will not say anything regarding the foolish manner in which they are trying to rush this Bill through in this House If they had a little commonsense, they would have accepted the proposal for referring the Bill to a Select Committee and by this time the report of the Select Committee would have been complete. Instead of that, they have chosen a policy which may drag the Bill to at least 10 or 12 months. I will not say anything as regards the foolishness displayed by the members of the Cabinet and the supporters of the Government. I will not say anything regarding the idiotic manner (laughter), in which —(Uproar.)

Khan Bahadur MOHAMMED ALI: We will also not say anything about the childish manner in which he is speaking.

Mr. A. K. FAZLUL HUQ: I would come to the point. You will remember, Sir, that the Opposition has got various groups. It is composed of several units working in unison who have very kindly accepted my leadership in general. (Nawabzada K NASARULLAH: You are a show-boy of the Opposition.) (Interruption.) There are certain rules which govern the activities of the different groups composing the Opposition. (Interruption.) Sir, let me be allowed to continue my speech.

Mr. SPEAKER: Order, order. I would request honourable members not to interrupt in this manner.

Mr. A. K. FAZLUL HUQ: Sir, there is the Congress Party, there is the Hindu Nationalist Party, there is the Krishak Proja Party and there is the Progressive Muslim League Party. (Nawabzada K. NASARULLAH: Progressive or degenerate?) (Renewed interruption.)

Mr. SPEAKER: Order, order. Mr. Fazlul Huq, I hope you have practically finished your speech.

Mr. SYED BADRUDDUJA: How can he finish his speech if he is interrupted so much by the Government benches? He could have finished his speech by this time had he not been disturbed in this manner.

Mr. A. K. FAZLUL HUQ: It is not the Opposition in this instance, as ordinarily understood, of only one group. As I have said, it is the Opposition of several units or groups who have agreed to work together in order to carry on the work of the Opposition. (Interruption.)

Mr. SYED ABDUL MAJID: The Leader of the Opposition should not indulge in such funny talks.

Mr. A. K. FAZLUL HUQ: Mr. Speaker, Sir, how can I proceed with my speech if members from the other side disturb me in a manner like this?

Mr. SPEAKER: Mr. Fazlul Huq, please try to finish your speech quickly.

Mr. A. K. FAZLUL HUQ: I would explain what is meant by the expression "Leader of the Opposition". I have been accepted as the Leader of the Opposition by the different units comprising the Opposition as their leader. Now, Sir, supposing one of the units is aggrieved then the matter of grievance becomes the concern of the other units as well. We may not be a homogenous combination but our work is carried on in unison. If one is insulted the other unit naturally feels insulted also

(Cries of "Ha, ha" from the Government benches.)

The cries of "Ha, ha" mean approval of what I have stated.

If the Leader of the House has made a statement which casts any reflection on Mr. Kiran Sankar Roy, not only has Mr. Roy the right to say something in explanation, but I submit, Sir, his colleagues, the leaders of other groups in the Opposition are entitled to submit to you their views on the issue raised.

The Hon'ble Mr. H. S. SUHRAWARDY: Challenging your ruling, Sir!

Mr. A. K. FAZLUL HUQ: As I was saying, not only has Mr. Kiran Sankar Roy the right to make his observations on the statement made by the Leader of the House but I submit the leaders of other groups, Mr. Shamsuddin Ahmad, Mr. Santosh Kumar Basu, the leader of the Scheduled Caste group in the Opposition, and Dr Syamaprasad Mookerjee, have also got the right to speak, and I have also got the right to sum up at the end. That is the position as far as I know of the Parliamentary practice. The leaders of the different groups have got the right to speak and after they have spoken the leader of the combined group has got the right to speak at the end. (Interruption.)

Coming to the statement made by Sir Nazimuddin, the Leader of the House, he has not made any definite charge in his statement. So it is difficult to say whether the statement made by Sir Nazimuddin is justified. I am further in this difficulty that I did not hear what Sir Nazimuddin said. (Interruption.)

Sir Nazimuddin merely made the charge that Mr. Kiran Sankar Roy has been guilty of some conduct infringing the privilege of the House— (Interruption.)

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, is there no time-limit?

Mr. A. K. FAZLUL HUQ: Sir, they are interrupting me. The difficulty is, due to interruption, I lose the thread of my speech.

I may be wrong. We could understand from what Mr Kiran Sankar Roy said that so far as the Speaker is concerned, he never said anything derogatory to his dignity or to his office, and so far as the House is concerned it was far from his intention to do or say anything which would affect the dignity of the House. After all, as the leader of an important section of the House, Mr. Kiran Sankar Roy is expected to know ——(Interruptions.)

Khan Bahadur MOHAMMED ALI: We want to hear you as a truthful man.

Dr. NALINAKSHA SANYAL: Do you care for truth?

Mr. A. K. FAZLUL HUQ: How can I go on if there are interruptions?

Khan Bahadur MOHAMMED ALI: Why are you afraid of interruptions?

Mr. SPEAKER: Mr Fazlul Huq, you were never afraid of interruptions, and I still hope that you are not afraid of interruptions (Laughter.)

Mr. A. K. FAZLUL HUQ: I may say this that every member of this House is most anxious to uphold the honour and dignity of this House, and we have all come here to work in perfect harmony. If at any time during discussion we say something which may be objectionable from the point of view of any member, it is our clear duty to forgive and forget. From that point of view, I think that the best thing we can do is to forget the unpleasant incident of that evening including everything but excepting the question as to whether the closure motion was put or not. If the Leader of the House wanted to bring any charge against Mr. Kiran Sankar Roy, I hope that charge will be withdrawn and I hope that calm will be restored so that when we meet again—we do not know when—we may be able to make some headway regarding the business before the House, viz., the consideration of the Secondary Education Bill. That is my hope and that is my prayer. I hope everyone will join in my prayer at this hour.

I have made a few brief remarks regarding some of the points raised in Sir Nazimuddin's speech. I hope all these things will be forgotten and my speech also will be forgotten. (Laughter.)

Adjournment.

The House was then adjourned at 7 p.m. till 4 p.m. on Monday, the 5th June, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the Provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 5th June, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 13 Hon'ble Ministers and 187 members.

STARRED QUESTIONS

(to which oral answers were given)

Distribution of paddy seeds to cultivators in Bengal.

*363. **Mr. JAGAT CHANDRA MANDAL:** (*a*) Will the Hon'ble Minister in charge of the Agiculture Department be pleased to state whether it is a fact—

(*i*) that Government have purchased during 1943 and up to March, 1944,, some quantity of paddy seeds for distribution amongst the cultivators of Bengal; and

(*ii*) that, in the matter of administering distribution, the cause of the Scheduled Castes is being neglected?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the total quantity of paddy seeds purchased for distribution during 1943 and up to March, 1944;

(*ii*) the quantity that has been given or distributed to the Scheduled Caste—

(A) Cultivators, and

(B) farmers

in the district of Tippera, for the same period; and

(*iii*) what are the names (Scheduled Caste farmers) of those farmers who got any paddy seeds from Government?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Khan Bahadur Saiyed Muzzamuddin Hosain: (*a*)(*i*) Yes.

(*ii*) No; seeds are being distributed amongst the cultivators irrespective of caste or creed.

(*b*)(*i*) 302, 653 maunds.

(*ii*) and (*iii*) The information cannot be collected without an expenditure of time and labour which would be incommensurate with its importance.

Proposed establishment of an agricultural farm in 24-Parganas.

*364. **Khan Bahadur Maulvi JASIMUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state whether there is any proposal for establishment of district agricultural farm in the district of 24-Parganas?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the name of the place selected for the purpose?

(*c*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state what steps are proposed to be taken to remove the long-felt want of the district by opening such a farm?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Administrative approval was given in 1939 to a proposal for the establishment of an agricultural farm at Barhans Fartabad in the district of 24-Parganas but the scheme was kept in abeyance owing to financial stringency. As the policy of Government now is to spend all the money available on schemes immediately connected with the "Grow More Food" campaign it is not proposed to reopen the question in the near future. The whole question of demonstration and experimental farm in districts will however be considered in detail within a few months by the Special Officer who is to report on the reorganisation of the Agriculture Department, Bengal.

Number of deaths in Bengal in 1942 and 1943.

***365. Rai HARENDRA NATH CHAUDHURI:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to lay on the Table a statement showing subdivision by subdivision—

(*i*) the number of deaths that occurred in Bengal during each of the twelve months in 1942 and in 1943; and

(*ii*) the quinquennial average of mortality of every subdivision in every month of the year during the five years ending in December, 1942?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): A statement showing deaths from all causes recorded in the subdivisions of Bengal in each month of 1942 and 1943 with corresponding average for 1938-1942 is laid on the Library Table.

Shortage of nurses in civil hospitals.

***366. Mr. M. A. F. HIRTZEL:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that at present there is a shortage of nurses for civil hospitals in Bengal?

(*b*) Will the Hon'ble Minister be pleased to state what steps have been taken by Government—

(*i*) to increase the number of nurses; and

(*ii*) to provide improved training facilities for nurses?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) the position of the Committee appointed by Government on the 14th January, 1941, to examine the present training conditions of nurses, etc. and formulate proposals for the improvement of their training;

(*ii*) what proposals have been submitted by this Committee for the improvement of training conditions of nurses; and

(*iii*) what action has been taken by Government on these proposals?

(*d*) If no proposals have been submitted, do Government propose to take any steps to expedite the report of the Committee?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Yes.

(*b*) (*i*) The question is under consideration.

(*ii*) In 1943 a scheme for training up to one hundred Indian girls in nursing was instituted at the Campbell Hospital.

(*c*) (*i*) The Committee presented its report in July, 1941.

(*ii*) The Committee recommended the establishment of a central organisation to supervise and co-ordinate the training of all kinds of nurses, hospital nurses, maternity nurses, health visitors, school nurses and social workers; this organisation to comprise two training institutions, one in Calcutta and the other outside but not far distant. They made recommendation for complete syllabus of training for each class of nurse and for the rates of pay for pupil-probationers and for the several grades of trained nurses and sisters.

(*iii*) These proposals are under examination by Government.

(*d*) Does not arise.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state how long the recommendations of the committee have been under examination by Government?

Khan Sahib HAMIDUDDIN AHMAD: Due to preoccupation of the Government, it could not take the report into consideration in details, but at present it is in right earnest and Government expects to come to some decision in the near future.

Work houses started in Goalundo subdivision, Faridpur.

***367. Maulvi AHMED ALI MRIDHA:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) how many work houses have been started in the same subdivision;

(*b*) wherre they are located;

(*c*) what are the strength of the staff including the menials,

(*d*) what are their salaries; and

(*e*) which of the above employments have gone to-

(1) Muslim, and

(2) Scheduled Castes?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) 27.

(*b*) Rajbari, Panchuria, Banibaha, Bagmara, Sukdebpur, Goalundaghat, Majchar, Pangsha, Machpara, Habaspur, Ratandi, Majbari, Boalia, Bagdu, Putta, Sarisha, Baliakandi, Baharpur, Ramdiha, Jamalpur, Akandi, Korakdi, Samadhinagar, Mrigi and Lakshandi

(*c*) and (*e*)—	Total strength	Muslims.	Scheduled Castes.
Superintendents . ..	23	6	4
Supervisors . .	38	8	Nil
Clerks	22	2	Nil
Menials .. .	5	3	Nil

	Rs Per mensem.
(*d*) Superintendent	... 75
Supervisor	... 35
Clerk	... 35
Menial	... 15

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state what are the requisite qualifications of those superintendents, supervisors, clerks and menials?

The Hon'ble Mr. TARAK NATH MUKERJEA: These appointments were made by the Collector. I want notice to give the requisite qualifications.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether these posts were advertised before appointment?

The Hon'ble Mr. TARAK NATH MUKERJEA: Yes, Sir

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether any Scheduled Castes applied for the posts of supervisors, clerks or menials?

The Hon'ble Mr. TARAK NATH MUKERJEA: Only four candidates applied for the post of Superintendent and all these four candidates were appointed.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether the Communal Ratio Rules apply to these posts?

The Hon'ble Mr. TARAK NATH MUKERJEA: These are temporary posts and so the Communal Ratio Rules were not probably strictly applied.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether Government contemplate the necessity of issuing instructions to the officials to see that the Communal Ratio Rules are applied to these temporary posts?

The Hon'ble Mr. TARAK NATH MUKERJEA: The answer is in the affirmative

Mr. SHAMSUDDIN AHMED KHONDKAR: Will the Hon'ble Minister be pleased to state the reasons for the paucity of Muslims employed in those branches?

The Hon'ble Mr. TARAK NATH MUKERJEA: I have nothing further to add excepting the fact that no applications were received.

Mr. SHAMSUDDIN AHMED KHONDKAR: Is it a fact that there was dearth of Muslim candidates or there was no advertisement?

The Hon'ble Mr. TARAK NATH MUKERJEA: I have nothing further to add to what I have stated

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state the reason why there is total absence of Scheduled Castes in the posts of supervisors, clerks and menials?

The Hon'ble Mr. TARAK NATH MUKERJEA: Because no applications were received.

Babu MADHUSUDAN SARKAR: Is it a fact that these posts were not advertised and these appointments were made surreptitiously by the authorities?

The Hon'ble Mr. TARAK NATH MUKERJEA: No, Sir, so far as my information goes, the posts were advertised.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether Government desire to make an enquiry into the matter?

The Hon'ble Mr. TARAK NATH MUKERJEA: Yes, Sir.

Mr. SHAMSUDDIN AHMED KHONDKAR: Will the Hon'ble Minister be pleased to state the term of these work houses?

The Hon'ble Mr. TARAK NATH MUKERJEA: These are all temporary posts and probably most of these posts have been abolished.

Mr. SHAMSUDDIN AHMED KHONDKAR: What is the term—one year or two years or five months or six months?

The Hon'ble Mr. TARAK NATH MUKERJEA: So long as the exigencies of the situation demand, these posts are retained.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state how they advertise these posts either locally or in local newspapers?

The Hon'ble Mr. TARAK NATH MUKERJEA: For detailed information, I want notice.

UNSTARRED QUESTION

(answer to which was laid on the table)

Dearness allowance paid to temparary muharrirs of Sub-Registrars' Offices.

177. Dr. SANAULLAH: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact—

(*i*) that the temporary extra muharrirs employed in Sub-Registrars' offices draw a salary of Rs. 25 per mensem; and

(*ii*) that the salary is not paid to them within three to six months?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of—

(*i*) increasing their salaries, or

(*ii*) allowing them dearness allowance?

(*c*) If the answer to (*b*) is in the affirmative, is the Hon'ble Minister considering the desirability of taking steps for prompt payment of salaries to them?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) (*i*) The extra muharrirs of Sub-Registry offices are paid at piece work rate at Re 1 for copying of 10 pages and comparing of 20 pages The Bengal Tenancy Act extra muharrirs are however paid at the rate of Rs 25 per mensem subject to the disposal of 1,000 notices with proportionate deducation of lesser amount of work

(*ii*) Owing to tremendous rush in registration work last year due to economic distress the budget allotment fell short and the payments were delayed in some of the districts.

(*b*) (*i*) No.

(*ii*) The employees in question are already paid dearness allowance at the rate of 4 annas in the rupee on the total earnings in a month in Calcutta, Howrah Sadar, Alipore Sadar and Darjeeling district, and at the rate of 3 annas and 3 pies elsewhere in the Province subject to maximum limits of Rs. 14 and Rs. 10 respectively.

(*c*) Does not arise.

STARRED QUESTIONS

(to which oral answers were given)

Re: Gruel kitchens started in Faridpur district.

***368. Maulvi AHMED ALI MRIDHA:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) how many gruel kitchens were started and maintained in the district of Faridpur in the year 1943-44;

(*b*) how many of them were located in each of the subdivisions;

(*c*) how long they were continued;

(*d*) what were the staff provided for the purpose; and

(*e*) what were the amounts incurred in expenditure on account of (A) gruel kitchens, and (B) staff to be shown separately subdivision by subdivision?

The Hon'ble Mr. TARAK NATH MUKERJEA: (*a*) 228.

(*b*) and (*c*) Sadar—65, from 13th August, 1943, to 15th November, 1943.

Goalundo—51, from 28th August, 1943, to 22nd January, 1944.

Madaripur—66, from 29th July, 1943, to 10th December, 1943.

Gopalganj—46, from 15th August, 1943, to 30th November, 1943.

(*d*) The work was managed by the local officers with the help of the staff of the Jute Regulation and the Co-operative Departments and local relief committees.

(*e*) (A) Sadar—Rs.2,32,577-5.

Goalundo—Rs 77,686.

Madaripur—Rs.3,72,000.

Gopalganj—Rs.1,29,815

(B) Nil.

Release and re-arrest of Srijuts Jyotish Mazumdar and Sachin Kar Gupta as security prisoners.

***369. Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) whether Srijut Jyotish Mazumdar of village Khalisaduli, police-station Chandpur, district Tippera, was, after undergoing ten years' rigorous imprisonment, released from Dacca Central Jail in February, 1942, and immediately after release was re-arrested, made a security prisoner and is thenceforth being detained in various jails of Bengal; and

(*ii*) whether Srijut Sachin Kar Gupta, who, undergoing imprisonment from 1933, was released in January, 1944, was immediately after release re-arrested and detained as a security prisoner?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any steps were taken by Government to ascertain their political views after their long imprisonment and before their re-arrest?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*) and (*b*) Yes.

(*a*) (*ii*) He was undergoing imprisonment since 1930 and released, re-arrested and detained as a security prisoner in December, 1943.

(*c*) Does not arise.

Sj. NARENDRA NATH DAS GUPTA: With reference to question (*b*), namely, steps taken by Government to ascertain the views of these prisoners while in jail, will the Hon'ble Minister be pleased to state what were the methods adopted by Government to ascertain the political views of these prisoners?

Khan Bahadur MOHAMMED ALI: Mr. Sachin Kar Gupta was interviewed and so far as Jyotish Mazumdar is concerned, Government have on record his views expressed in writing.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state what were his views?

Khan Bahadur MOHAMMED ALI: It is not expedient in the public interest to disclose his views.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state what was the nature of his statement before the Government official?

Khan Bahadur MOHAMMED ALI: It is not expedient in the public interest to disclose that.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister please tell us if it is a fact that these prisoners held communist views politically?

Khan Bahadur MOHAMMED ALI: I have already stated that for the sake of public safety it is not possible to disclose the views held by these prisoners.

Mr. ATUL CHANDRA SEN: Is the Hon'ble Minister prepared to state whether in their statements they suggest that they will go in for subversive activities when released?

Khan Bahadur MOHAMMED ALI: I have nothing further to add

Number of political security prisoners detained under Defence of India Act and Rules, and Regulation III.

***370. Rai HARENDRANATH CHAUDHURI:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the total number of political security prisoners detained at present under—

(*i*) the Defence of India Act and Rules, and

(*ii*) Regulation III and otherwise;

(*b*) how many of them have been under detention for more than six months;

(*c*) how many of them have been detained after expiry of their previous terms of imprisonments, their names and terms of imprisonments previously suffered by them; and

(*d*) the number of prisoners now in jail convicted of political offences—

(*i*) before August, 1942, and

(*ii*) after August, 1942?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) All persons previously detained under Defence of India Rule 26 are by provisions of Ordinance III of 1944, deemed to have been detained under that Ordinance. The total number of such prisoners on the 20th May, 1944, was 1,271.

(*ii*) 16.

(*b*) and (*c*) The information is not readily available and its compilation will entail an expenditure of time and labour not justifiable in war time.

(*d*) In the absence of any clear indication as to what the honourable member means by "political" offences it is not possible to supply the information asked for.

Mr. ATUL CHANDRA KUMAR: In view of the answer given by the Hon'ble Minister, namely, "its compilation will entail an expenditure of time and labour not justifiable in war time", may I ask whether he is justified in war time to proceed with a Bill which would entail a considerable amount of time and labour?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: With reference to answers (*b*) and (*c*), will the Hon'ble Minister be pleased to state on which portion of the question it is difficult to collect not readily available information?

Khan Bahadur MOHAMMED ALI: Both (*b*) and (*c*).

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government maintains any record in the jails of prisoners detained for more than six months or not?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that in the annual report of jails prisoners are classified according to the period of their detention and are shown accordingly?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether the names and terms of imprisonment of the prisoners are also kept on record?

Khan Bahadur MOHAMMED ALI: Yes, Sir. A record is kept.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is not possible to collect the information so recorded and prepare a statement with comparatively less expenditure of time and labour?

Khan Bahadur MOHAMMED Ali: It is possible to collect, but it would involve expenditure of time and labour.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government is avoiding the answer in the apprehension that the collection of such statistics would expose the hollowness of the claim of Government for adopting a generous policy?

Mr. SPEAKER: I disallow that question

Segregated confinement of security prisoners.

*371. **Mr. NIHARENDU DUTT MAZUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether any security prisoners of—

(*i*) Presidency Jail, and

(*ii*) any other jail in Bengal,

have been ordered to be confined in segregation?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the number of prisoners that have been so confined;

(*ii*) their names;

(*iii*) the reason for their segregation;

(*iv*) the rule under which; and

(*v*) the authority under whose orders they have been so confined in each particular case?

(*c*) Is it a fact—

(*i*) that Mr. Ram Swarup Missir, jail warder of Dinajpur Jail, is being detained in the Presidency Jail as security prisoner;

(*ii*) that he is being kept in segregation from the general body of the security prisoners; and

(*iii*) that he was recently on hunger-strike for some time?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason—

(*i*) for keeping him in segregation; and

(*ii*) for his recent hunger-strike?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) Under rule 6 of the Bengal Security Prisoners Rules, Superintendent of a Jail may at his discretion keep one or more security prisoners in segregation, if such step is considered expedient or necessary. The detailed information asked for is not readily available and its collection would involve an expenditure of time and labour not justifiable in present emergency nor would it be desirable in the public interest to disclose the information even if it were readily available.

(*c*) (*i*) He was detained in the Presidency Jail from the 12th March, 1943, to the 26th November, 1943.

(*ii*) He was kept segregated in the Presidency Jail.

(*iii*) No.

(*d*) (*i*) For reasons connected with enforcement of discipline.

(*ii*) Does not arise.

Dr. NALINAKSHA SANYAL: With reference to answers (*a*) and (*b*), will the Hon'ble Minister be pleased to state what steps are taken to see that except on grounds of discipline a security prisoner who is kept all by himself in a jail may receive or get good company?

Khan Bahadur MOHAMMED ALI: A security prisoner is kept segregated under the provisions of rule 6 of the Bengal Security Prisoners Rules and the conditions for such segregation are laid down in the rule

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that in the Jail Code provision is also made for allowing a prisoner of one category to have company of that category that he belongs to?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to the Bengal Security Prisoners Rules. The rules regarding the detention of security prisoners are in the Bengal Security Prisoners Rules, whereas the honourable member has referred to the Jail Code.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the Bengal Security Prisoners Rules are in modification of the Jail Code wherever such additional rules are necessary and the ordinary rules of the Jail Code also apply to them?

Khan Bahadur MOHAMMED ALI: The ordinary rules of the Jail Code do apply, but when there are special rules governing the detention of the security prisoners as embodied in the Bengal Security Prisoners Rules, the Bengal Security Prisoners Rules apply.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is the provision of the Bengal Security Prisoners Rules that a person who is kept all by himself in a jail should not be allowed to mix with any other inmate in the jail?

Khan Bahadur MOHAMMED ALI: If he is kept segregated, it means that he is segregated from other prisoners.

Dr. NALINAKSHA SANYAL: Will the Hon"ble Minister be pleased to state if, apart from the reasons stated in (*d*) (*i*), *i.e.*, reasons connected with enforcement of discipline, and segregation by way of punishment, there is any provision in which a law-abiding, ordinary, good-behaved security

prisoner should be kept segregated all by himself? Is there any rule of that type?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether in the Berhampore Jail Mr. Sunil Krishna Maitra, who is now detained there, is now being kept entirely by himself segregated from other inmates and is not being allowed to get books from the library and newspapers as well?

Khan Bahadur MOHAMMED ALI: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that contrary to the instructions given in the general security prisoners' rules some Superintendents of Jails in their over enthusiasm defy the provisions of the security prisoners rules as well as the Jail Code and impose undue hardship on security prisoners, not warranted by such rules?

Khan Bahadur MOHAMMED ALI: No, Sir

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is considering the desirability of making an enquiry into the conduct of the Superintendent of the Berhampore Jail in regard to the unmitigated hardship caused to Mr Sunil Krishna Maitra in that jail?

Khan Bahadur MOHAMMED ALI: The question of enquiry does not arise because there is no such complaint.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the Government is quite certain that no complaint has been made to the jail authorities by the prisoner himself or his relations?

Khan Bahadur MOHAMMED ALI: No complaint has been made to Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government has any machinery through which a direct complaint can be made to the Government by a security prisoner?

Khan Bahadur MOHAMMED ALI: A security prisoner can always write direct to the Home Minister

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that letters written to the Home Minister direct do not ordinarily reach his hand and in such a case of complaint it takes an inordinately long time for the letter to reach the Government and to be answered?

Khan Bahadur MOHAMMED ALI: That is not correct. Letters written to the Home Minister are received and answered as expeditiously as possible.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether it is a fact that security prisoner Mr. Sunil Krishna Maitra has already complained to the Superintendent of the Jail and his relations also have already complained in the presence of a police officer about the treatment meted out to him in the Berhampore Jail?

Khan Bahadur MOHAMMED ALI: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware of any instruction given to the police officer who attends the interview, to prevent the inmate of the jail from communicating to persons interviewing him about his personal inconveniences in the jail?

Khan Bahadur MOHAMMED ALI: No, Sir, I am not aware of that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that one sub-inspector or watcher of the Intelligence Branch Department accompanied the mother of the security prisoner Mr. Sunil Krishna Maitra at the Berhampore Jail and also the mother of the present questioner himself when they interviewed the security prisoner, and the security prisoner complained that he was not given books, but he was prevented from making that complaint?

Khan Bahadur MOHAMMED ALI: May I draw your attention, Sir, to the original question wherein there is no reference of such a matter, and so it is not possible for me to answer this question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to make an enquiry into the matter?

Khan Bahadur MOHAMMED ALI: If the honourable member will kindly give a notice describing all the incidents about which he is speaking certainly those will be enquired into.

Sj. NARENDRA NATH DAS GUPTA: With reference to answer (*c*) (*ii*), will the Hon'ble Minister be pleased to state why Mr Ram Swarup Missir was kept segregated?

Khan Bahadur MOHAMMED ALI: He was kept segregated for disciplinary purpose.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state what was the nature of indiscipline for which he was kept segregated?

Khan Bahadur MOHAMMED ALI: I want notice.

Mr. HARIPADA CHATTOPADHYAY: Is the Hon'ble Minister aware that there is one doctor in the Alipore Central Jail who has been segregated as a security prisoner for more than a year?

Khan Bahadur MOHAMMED ALI: Sir, how is it possible to answer that question without knowing the name?

Mr. HARIPADA CHATTOPADHYAY: Is the Hon'ble Minister aware that that security prisoner's case has been recommended by the Jail Superintendent himself for consideration?

Mr. SPEAKER: That question does not arise when you cannot give the name of the security prisoner.

Sj. NARENDRA NATH DAS GUTPA: Will the Hon'ble Minister be pleased to state the date since when Mr. Ram Swarup Missir has been kept segregated in the Presidency Jail?

Khan Bahadur MOHAMMED ALI: I want notice.

Security prisoners.

***372. Rai HARENDRA NATH CHAUDHURI:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the Table a statement showing on the 30th June, 1943, the number of security prisoners, i.e., persons kept for political reasons in detention—

(*i*) without trial;

(*ii*) under rule 129 of the Defence of India Rules;

(*iii*) under rule 26 of the Defence of India Rules; and

(*iv*) under Regulation III of 1818?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the number of persons convicted for political offences whether under the Defence of India Act and Rules or any other law, still undergoing imprisonment; and

(*ii*) the number of security prisoners released during the last two months?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) The figures for 30th June, 1943, are not available. Those for 28th June, 1943, are—

(*i*) 1,650.

(*ii*) 91.

(*iii*) 1,551.

(*iv*) 8.

(*b*) (*i*) 574 on 28th April, 1944, in absence of any clear indication the number of persons convicted under Defence of India Rules and terrorist prisoners are given.

(*ii*) 17 in March and April, 1944, and 75 in May and June, 1943. Perhaps the first figure is wanted.

Accommodation in Tamluk sub-jail.

***373. Babu RADHANATH DAS:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) what is the capacity of Tamluk sub-jail;

(*ii*) how many prisoners are there now;

(*iii*) whether the number of prisoners are more than the present capacity of the said jail; and

(*iv*) if so, what arrangements the Government have done for accommodating the surplus prisoners?

(*b*) Is it a fact—

(*i*) that some temporary tents have been built;

(*ii*) if so, what is the condition of the floor of these tents;

(*iii*) that during times of rain, the floor becomes muddy and remains always damp;

(*iv*) that it thereby causes inconvenience and trouble to the political prisoners; and

(*v*) that 10 persons are kept at a time in a cell meant for one person?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) The normal registered capacity is 50 but the present capacity has been increased to 90 by making extra accommodation in the work-sheds and verandah.

(*ii*) 91 on 3rd May, 1944.

(*iii*) and (*b*) (*i*) Yes.

(*a*) (*iv*) In 1943, when congestion was maximum, several tents were pitched inside the sub-jail walls

(*b*) (*ii*) The floors of the tents were slightly raised above the surrounding ground.

(*iii*) It was slightly damp but never muddy.

(*iv*) I have no information.

(*v*) No.

Dr. NALINAKSHA SANYAL: With reference to the increase in the capacity as mentioned in answer (*a*)(*i*), will the Hon'ble Minister please state if the increase was by addition of approved constructional standards or by a temporary makeshift with a view to accommodate additional inmate?

Khan Bahadur MOHAMMED ALI: As I have already stated, some extra accommodation was arranged for.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if it is a fact that as a result of this improvised addition there was great congestion in the number of persons who were detained in the jail at the period?

Khan Bahadur MOHAMMED ALI: Some amount of congestion was there but afterwards extra accommodation for 40 was arranged and then the actual number of prisoners exceeding the maximum capacity was only one.

Mr. ATUL CHANDRA SEN: With reference to answer (*b*)(*iii*), will the Hon'ble Minister please state whether any action has been taken to remove the dampness of the place?

Khan Bahadur MOHAMMED ALI: Yes. The floor was slightly raised and then a layer of straw was put with blankets underneath and drains were dug all around.

Sj. NARENDRA NATH DAS GUPTA: With reference to reply (*a*)(*i*), is the Hon'ble Minister aware that rains and sun's rays enter into the worksheds and verandah where extra accommodation has been arranged?

Khan Bahadur MOHAMMED ALI: No, Sir. As I have just stated, there is the drain; and instead of rain-water coming in, it is drained off and does not accumulate there.

Sj. NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that in times of blast and rains, the rains enter inside the verandah and causes great hardship and inconvenience to the inmates there?

Khan Bahadur MOHAMMED ALI: No, Sir. Not now.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister please state what arrangements have been made to ward off such blasts and rains?

Khan Bahadur MOHAMMED ALI: As I have said, proper drains have been cut, so that if there is rainfall, water is drained away immediately.

Re: Home leave of Babu Dhirendra Kumar Chose, a security prisoner.

***374. Mr. ISWAR CHANDRA MAL:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that Babu Dhirendra Kumar Ghosh, a practising pleader, Bankura, and only son of his father, was arrested on the 16th September, 1942;

(*ii*) that he has been detained in the Midnapore Central Jail as security prisoner since then;

(*iii*) that he applied to the Government on the 7th September, 1943, for permission of home leave to see his ailing father in his death bed;

(*iv*) that his petition was rejected by the Home Department Memo. No. 12336H.J./Cal., of date 5th October, 1943, on the ground that his father was on the way to recovery;

(*v*) that the District Magistrate, Bankura, did not recommend home leave to the said prisoner on the same ground and informed him of the same by Memo. No. 1476, Bankura, dated the 17th September, 1943;

(*vi*) that subsequently the illness of his father relapsed and became serious;

(*vii*) that in view of the acuteness of the illness of his father, the said prisoner applied again to the District Magistrate, Bankura, for home leave to see his ailing father on the 28th September, 1943, and to the Government on the 13th October, 1943, followed by reminders and fresh petitions on 16th, 21st and 30th October, 1943;

(*viii*) that the wife of the said prisoner also applied with medical certificates to the Government by petitions and telegrams, intimating the alarming condition of the health of her father-in-law and asking for allowing home leave to her husband;

(*ix*) that the District Magistrate thereafter recommended home leave to the said prisoner on the ground of the serious illness of his father; and

(*x*) that the father of the said prisoner died on the 13th November, 1943, after suffering from illness for about two months;

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the reasons for rejecting the petitions referred to in clause (*a*)(*vii*); and

(*ii*) whether the Government arrived at any decision about granting home leave to security prisoners (specially to those who are treated by the Government as movement security prisoners)?

(*c*) Will the Hon'ble Minister be pleased to state whether it is a fact—

(*i*) that the said prisoner applied to the Government on the 23rd and 28th November, 1943, asking permission of home leave to perform his father's *sradh* ceremony;

(*ii*) that the wife of the said prisoner applied to the Government to the same effect; and

(*iii*) that granting of reasonable facilities for the *sradh* ceremony inside the jail was proposed by the Home Department?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for disallowing the prisoner's petition to perform the *sradh* ceremony at home?

(*e*) Will the Hon'ble Minister be pleased to state whether it is a fact—

(*i*) that consequent upon the death of his father, the said prisoner applied to Government on the 5th December, 1943, for home leave for making necessary family arrangement and to settle liabilities of his father; and

(*ii*) that the said prisoner applied to the Government for unconditional release in view of his giving up any political party colouring for the last two years before his arrest?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he is considering the desirability of releasing him unconditionally?

(*g*) If not, is the Hon'ble Minister considering the desirability of granting him home leave for at least 2 weeks under all sorts of restrictions to manage his home affairs?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) to (*viii*) and (*x*) Yes. (*ix*), (*f*) and (*g*) No.

(*b*)(*i*) On security grounds.

(*ii*) Government have already put into effect the principle that subject to the overriding consideration of security arrangements should be made to enable security prisoners to visit their near relatives who are very seriously ill and where such a visit and return to the jail can be accomplished within a reasonable time. In this case the leave was refused on grounds of security.

(*c*) and (*e*) Yes.

(*d*) The honourable member is referred to my answer to (*b*) (*ii*).

Mr. ATUL KRISHNA GHOSE: With reference to reply (*b*)(*ii*), will the Hon'ble Minister be pleased to state whether there was any difficulty with regard to this particular prisoner in seeing his dying father and his coming back within the reasonable time as stated in the reply?

Khan Bahadur MOHAMMED ALI: The latest Government policy was put into effect on the 12th February, 1944, and this was a case which came up for decision before the Government decision was arrived at regarding grant of leave.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether they are actually giving leave to the security prisoners after the specified date to see their ailing fathers or mothers?

Khan Bahadur MOHAMMED ALI: Yes, Sir.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what were the reasons, besides the reasons mentioned as security reasons, to prevent that security prisoner from performing the *sradh* ceremony of his dead father?

Khan Bahadur MOHAMMED ALI: For the purpose of performing *sradh* all facilities are given to prisoners to perform these rites within the precincts of the jail and that is why leave is not usually granted.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what are the difficulties that Government face in allowing the prisoners to perform *sradh* ceremony in their house?

Khan Bahadur MOHAMMED ALI: On grounds of security.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether it is a fact that they have in previous cases allowed some prisoners to perform the *sradh* ceremony at home, and if so, what was the reason of this distinction?

Khan Bahadur MOHAMMED ALI: The case of each security prisoner has to be scrutinised and no general hard and fast rule can be laid down regarding this.

SJ. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state if the Government cannot make proper arrangement for carrying security prisoners to their home to perform *sradh* ceremony?

Khan Bahadur MOHAMMED ALI: On grounds of security it is not possible to allow them to go home.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state how is it that even in spite of the recommendation of the District Magistrate, Government refused this security prisoner to see his dying father?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Srijut MANINDRA BHUSAN SINHA: With reference to answer (*g*) "No", will the Hon'ble Minister be pleased to state the reason for not granting him home leave for at least two weeks?

Khan Bahadur MOHAMMED ALI: I have already stated for reasons of security.

Petition of security prisoner Srijut Kishori Mohan Chatterjee for making arrangements for properties.

***375. Mr. SATYAPRIYA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that security prisoner Srijut Kishori Mohan Chatterjee of Dum Dum Central Jail applied on the 17th May, 1943, for transfer to Khulna Jail or release to make necessary arrangements relating to properties in which he is interested;

(*ii*) that in the said petition he submitted that in the case of the petition being rejected he may run the risk of incurring a loss of about Rs. 50,000; and

(*iii*) that the petition has been rejected?

(*b*) If the answer to (*a*) is in the affirmative, do the Government contemplate to make good the loss that may accrue to the security prisoner as a result of the Government's refusal to grant the petition?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) The overriding consideration of security made it necessary that the prisoner should be detained and should not be transferred to Khulna Jail. All facilities will be given to him for interviewing any legal advisers in connection with arrangements relating to settlement of properties. The question of compensating him for loss which may occur as a result of refusal to grant the petition does not arise

Number of persons detained in jails in Bengal.

***376. Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state the present number of persons detained in different jails in Bengal for political views or offences as—

(*i*) security prisoners under rule 26 of the Defence of India Rules;

(*ii*) prisoners under rule 129 of the Defence of India Rules;

(*iii*) prisoners under Regulation III of 1818; and

(*iv*) prisoners convicted under Defence of India Rules for offences of a political nature?

(*b*) Is the Hon'ble Minister aware that in course of the judgment given by a Special Bench of the Calcutta Hig Court on a number of *Habeas Corpus* Petitions *the manner in which the certain detenus have been made in Bengal under rule 26 of the Defence of India Rules* has been declared as illegal and *ultra vires*?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what action have the Government taken to set at liberty all persons who have been thus detained illegally; and

(*ii*) what measures have the Government taken to ensure that no such illegal or improper detention may take place in future?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) 1,277 on 14th May, 1944.

(*ii*) 28 on 14th May, 1944.

(*iii*) 16 on 14th May, 1944.

(*iv*) On the 14th May, 1944, the total number of convicts under the Defence of India Rules in the various jails of Bengal was 517. It is not possible to give separate figures in respect of offences of a political nature.

(*b*) Yes.

(*c*) The final judgment in the matter referred to in (*b*) of the question was pronounced by the Federal Court who held that no order of detention under rule 26 of the Defence of India Rules could validly be made except after the Governor had personally applied his mind to the case and been satisfied that the making of such an order was necessary. Although an appeal against this decision has already been filed before the Privy Council, immediate steps were taken to review all cases in the light of the observations made by the Federal Court and fresh orders of detention have been issued in almost all cases requiring continued detention. The Restriction and Detention Ordinance (III of 1944) has since been promulgated and all detention orders are now being issued under this Ordinance in accordance with the procedure required by the law as pronounced by the Federal Court.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when his department received the question?

Khan Bahadur MOHAMMED ALI: 30th of June, 1943.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the reason for such prolonged delay in replying?

Khan Bahadur MOHAMMED ALI: Lot of figures had to be collected and originally up-to-date figure was collected but later it was discovered that the figures required were for a particular date in June last year and that is why the figures had to be revised.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government is in a position to supply the figures as on the date of June, 1943, when the question was received?

Khan Bahadur MOHAMMED ALI: The original figures had to be revised and these figures had to be given.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is in a position to give us the original figures as on the date or nearabout the date when Government received the question?

Khan Bahadur MOHAMMED ALI: Sir, those figures are not with me now. I would have to ask for notice.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*)(*ii*), that is, 28 on 14th May, 1944, what was the period on an average during which these 28 security prisoners were detained under rule 129 of the Defence of India Rules?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the High Court in Calcutta did direct that the continued detention of a security prisoner beyond the statutory period of 45 days under rule 129 of the Defence of India Rules was not justified or warranted by the rule?

Khan Bahadur MOHAMMED ALI: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if there is any person within the list given who has been detained for a period longer than 45 days under rule 129 of the Defence of India Rules?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*)(*iii*), viz., prisoners under Regulation III of 1818—16 on 14th May, 1944, will the Hon'ble Minister be pleased to state if he is in a position to give the names of those 16 members?

Khan Bahadur MOHAMMED ALI: No, Sir. I cannot give them off-hand.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how the number of Regulation III prisoners has gone up? They were 8 in June, 1943; on 14th May, 1944, they are 16.

Khan Bahadur MOHAMMED ALI: Where do you get that figure?

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pelased to state what was the figure in June, 1943?

Khan Bahadur MOHAMMED ALI: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is in a position to contradict when I say that the figure was 8?

Khan Bahadur MOHAMMED ALI: I can neither accept nor contradict.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that immediately following the decision of the Calcutta High Court that certain security prisoners, perhaps nine in number, who went to the High Court on *habeas corpus* petitions would be released, Government forthwith issued orders under Regulation III of 1818 directing that they be detained and these were the 9 prisoners who were then shown in list I, though they were then released, as prisoners detained under Regulation III of 1818?

Khan Bahadur MOHAMMED ALI: That is a matter of public knowledge.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state apart from these prisoners who are the others that are now detained in the prisons of Bengal under Regulation III of 1818?

Khan Bahadur MOHAMMED ALI: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if there have been any new detentions of persons under Regulation III of 1818 during the régime of the present Ministry?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Sir, it appears that the honourable member is not at all prepared with the answer. May I request you to hold over this question?

Mr. SPEAKER: He is answering the questions in that way. You can put supplementary questions.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*)(*iv*) that total number of persons detained in various jails was 517, will the Hon'ble Minister be pleased to state if Government maintains any register of persons convicted for offences of a political nature or not?

Khan Bahadur MOHAMMED ALI: What does the honourable member mean by "offences of political nature"? There is no separate register.

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister aware that in the Jail Administration Report the political prisoners are classified separately?

Khan Bahadur MOHAMMED ALI: As convicts?

Rai HARENDRA NATH CHAUDHURI: Yes.

Khan Bahadur MOHAMMED ALI: I am not aware that convicts are recorded separately.

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister aware that on a previous occasion Government answered such a question?

Khan Bahadur MOHAMMED ALI: Sir, the Defence of India Rules are very wide and convicts under these rules do not always come under the category of political prisoners. Persons convicted for committing offences like hoardings and things like this are treated as convicts under the Defence of India Rules. I would refer the honourable member to answer (*a*)(*iv*).

Rai HARENDRA NATH CHAUDHURI: I am also referring to that. Why do you say that political offences are not intelligible to Government? Government had on a previous occasion answered such a question. Why does Government now say that it is quite unintelligible to Government what is meant by political offences?

Khan Bahadur MOHAMMED ALI: I draw the attention of the honourable member to answer (*a*)(*iv*). Here the question is regarding convicts under the Defence of India Rules and not political prisoners, or security prisoners. Therefore, if separate classification is wanted of convicts under the Defence of India Rules, it is to be stated what the honourable member means by "convicts under Defence of India Rules for offences of a political nature".

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister aware that convicts under the Defence of India Rules are also classified as political convicts and non-political convicts?

Khan Bahadur MOHAMMED ALI: No, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state by what method or measure Government find out regarding different classes of convicts under Defence of India Rules whether they should be granted the privileges enjoyed by the political prisoners in the jail or not?

Khan Bahadur MOHAMMED ALI: There is a great deal of difference between prisoners detained without trial and prisoners detained after conviction. The same facilities cannot be extended to convicts as are extended to security prisoners who are detained without trial.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have got any classification or any method to classify and show separately and treat separately the prisoners convicted of offences under the Defence of India Rules for some kind of offence of a political nature?

Khan Bahadur MOHAMMED ALI: No, Sir. It is not yet quite clear what the honourable member means by conviction under Defence of India Rules for offences of a political nature. There must be a clear line of demarcation before Government can classify them.

Dr. NALINAKSHA SANYAL: Has Government made any classification?

Khan Bahadur MOHAMMED ALI: I am not aware whether exact classification has been made or not. I want notice.

Dr. NALINAKSHA SANYAL: With reference to answer (*b*), viz., "yes", will the Hon'ble Minister be pleased to state whether in that case Government was any party to contest that the detention was regular?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government had spent any money in fighting that suit, and if so, what was the sum involved?

Khan Bahadur MOHAMMED ALI: I want notice.

Dr. NALINAKSHA SANYAL: The answer to question (*c*)(*i*) is not specific. With reference to this question which is not specifically answered, will the Hon'ble Minister be pleased to state why Government did not immediately act according to the order of the High Court to set at liberty the persons who were declared to have been illegally detained beforehand?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: That question does arise, Sir. Elsewhere he has answered it.

Mr. SPEAKER: You can ask other supplementary questions if you like.

Dr. NALINAKSHA SANYAL: My supplementary question is with regard to answer (*c*) given. Will the Hon'ble Minister be pleased to state why Government did not set at liberty the persons who were declared by the High Court to have been detained illegally?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to answer (*c*).

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state with reference to answer (*c*) that immediate steps were taken to review all cases in the light of the observations made by the Federal Court, what steps were taken immediately in the light of the order given by the High Court of Calcutta?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state whether Government deliberately flouted the order of the Calcutta High Court in this matter?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if Government are aware that in the precincts of the High Court persons, ordered to be released by the High Court in the *Habeas Corpus* Petitions referred to in question (*b*), were re-arrested under Regulation III of 1818, orders for which were issued by the Bengal Government immediately or forthwith on that day?

Khan Bahadur MOHAMMED ALI: Yes, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state on whose authority these orders were issued?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that on the day the order was issued the Home Minister was not in Calcutta?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: *Will the Hon'ble Minister please state whether on a subsequent day the papers were put up before the Home Minister and he approved the continued detention.*

Khan Bahadur MOHAMMED ALI: That does not seem likely.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if the persons detained then are still continuing to be detained under Regulation III of 1818 or are being detained under some other law?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please first let us know by what machinery the review is being made of the cases referred to in answer (*c*)?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state what is the outcome of the review made in the cases referred to in answer (*c*)?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to the reply to (*c*), where it is stated "fresh orders of detention have been issued in almost all cases requiring continued detention".

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state the cases in which the continued detention was ordered and the cases, if any, in which such continued detention was not considered necessary?

Khan Bahadur MOHAMMED ALI: I cannot give such details.

Dr. NALINAKSHA SANYAL: I am just enquiring about figures or names.

Khan Bahadur MOHAMMED ALI: I cannot give figures. I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if Government has considered the desirability of acting according to the orders of the Calcutta High Court in setting at liberty the persons concerned so that the prestige of the High Court may be upheld?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: With reference to detentions under Restriction and Detention Ordinance III of 1944, will the Hon'ble Minister please state if these orders are now issued on old detenus as well as new or on new detenue only?

Khan Bahadur MOHAMMED ALI: I ask for notice. There are very few new detentions.

Number of deaths from starvation and diseases in 1943 in Tippera district.

*377. **Mr. DHIRENDRA NATH DATTA:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to lay on the Table a statement showing for the year 1943 in respect of the Tippera district—

(*i*) the number of deaths from starvation;

(*ii*) the number of people who have died of diseases due to starvation [the figures for both (*i*) and (*ii*) to be shown separately for each thana];

(*iii*) the number of destitutes admitted into—

(1) the Comilla Sadar hospital,

(2) Chandpur hospital,

(3) Brahmanbaria hospital from July, 1943, to December, 1943; and

(*iv*) the number of them who died in the hospitals during that period?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*i*) and (*ii*) The figures cannot be furnished as the statistical registers do not contain any column for record of such deaths separately.

A statement is however laid on the Library Table showing number of deaths in each thana of the district in 1943 compared with the average of the previous 5 years.

(*iii*) (1) 1,844.

(2) 7,605.

(3) 552 (Emergency Hospital).

(*iv*) 2,245.

Dr. SHARAT CHANDRA MUKHERJI: Will the Hon'ble Minister please state what is the general cause of death of the 2,245 patients who died in hospitals?

Khan Sahib HAMIDUDDIN AHMAD: Various diseases.

Dr. SHARAT CHANDRA MUKHERJI: What are the main diseases?

Khan Sahib HAMIDUDDIN AHMAD: Malaria.

Dr. SHARAT CHANDRA MUKHERJI: To question (*ii*) and (*iii*) the answer given is "The figures cannot be furnished as the statistical registers do not contain any column for record of such deaths separately"; as there have been so many deaths due to starvation since a long time past, will the Hon'ble Minister please state if the Government think it desirable to introduce a separate column in the statistical registers so that exact figures of deaths due to starvation can be given

Khan Sahib HAMIDUDDIN AHMAD: Yes, instructions have already been issued

Number of gazetted posts in the Public Health Department and posts held by Muslims amongst them.

*378. **Mr. MIRZA ABDUL HAFIZ:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to lay on the Table a statement showing—

(*i*) the present number of gazetted posts in the offices of the Director of Public Health, Chief Engineer and Chief Inspector of Smoke Nuisances under the Public Health Department;

(*ii*) the number of them that are held by—

(1) Muslims, and

(2) non-Muslims;

(*iii*) the number of posts that are vacant; and

(*iv*) the number of posts that have gone to the—

(1) Muslims, and

(2) non-Muslims,

since the date of giving effect to the Communal Ratio Rules?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the number of posts that were reserved for Muslims and filled up by them; and

(*ii*) the number of posts reserved for Muslims but subsequently declared open to all communities during the last Ministry?

(*c*) Will the Hon'ble Minister be pleased to state whether Government observe Communal Ratio Rules in filling up such vacancies?

(*d*) If the answer to (*c*) is in the negative, is the Hon'ble Minister considering the desirability of filling up the vacancies according to the Communal Ratio Rules in future?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) (*i*) 48.

(*ii*) (1) 11 (excluding 2 officers on deputation to Government of India).
(2) 30.

(*iii*) 7.

(*iv*) (1) 11.
(2) 21.

(*b*) (*i*) 11

(*ii*) 4 (in 2 of which Muslims have been taken during the present Ministry and in 2 other suitable Muslims could not be found in spite of advertisements through Public Service Commission and non-Muslims have therefore been taken).

(*c*) Yes, as far as practicable.

(*d*) Does not arise.

Khan Bahadur ABDUL WAHAB KHAN: With reference to question (*iv*), the answer given is that 11 posts have gone to Muslims and 21 to non-Muslims since the date of giving effect to the Communal Ratio Rules; will the Hon'ble Minister please give the reasons why the Communal Ratio Rules were not strictly observed?

Khan Sahib HAMIDUDDIN AHMAD: These figures contained permanent as well as temporary appointments; and in respect of the temporary appointments the Communal Ratio Rules could not be strictly observed.

Khan Bahadur ABDUL WAHAB KHAN: Will the Hon'ble Minister please state the reason therefor?

Khan Sahib HAMIDUDDIN AHMAD: For want of suitable Muslim candidates.

Khan Bahadur ABDUL WAHAB KHAN: With reference to answer (*b*)(*ii*), will the Hon'ble Minister please state what are the two Muslim vacancies in which non-Muslims were taken in owing to dearth of suitable Muslim candidates? What is the nature of such vacancies?

Khan Sahib HAMIDUDDIN AHMAD: One is a Malaria Engineer and the other an Inspector of Smoke Nuisance.

Khan Bahadur ABDUL WAHAB KHAN: With reference to the previous answer that 11 posts have gone to Muslims and 21 to non-Muslims, will the Hon'ble Minister please state in respect of how many of the 21 posts no suitable Muslim candidates were available?

Khan Sahib HAMIDUDDIN AHMAD: As regards temporary recruitment, I think Communal Ratio Rules are not strictly observed and besides some of the appointments were made during the previous Ministry.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister please state why in the temporary appointments, the Communal Ratio Rules are not strictly observed?

Khan Sahib HAMIDUDDIN AHMAD: During the present Ministry every attempt has been made to observe them as far as practicable.

Khan Bahadur ABDUL WAHAB KHAN: Will the Hon'ble Minister please state the number of posts that were filled during the present Ministry and during the past Ministry, so that we can understand the situation?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that in regard to the post of the Malaria Engineer there were at least twelve Muslim candidates with requisite qualifications.

Khan Sahib HAMIDUDDIN AHMAD: The Public Service Commission declared them to be unsuitable.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that the question was answered by the then Hon'ble Minister that there were at least 12 candidates with requisite qualifications?

Khan Sahib HAMIDUDDIN AHMAD: I have already said that these applications were invited by the Public Service Commission, and that body found no suitable Muslim to be there.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware of that answer?

Khan Sahib HAMIDUDDIN AHMAD: I am not.

Mr. MIRZA ABDUL HAFIZ: With reference to answers (*a*)(*i*), (*ii*) and (*iii*), in view of the fact that out of 48 posts only 11 posts have been given to the Muslims and that there are 7 vacancies, will Government consider the desirability of filling up these 7 posts by purely Muslim candidates?

Khan Sahib HAMIDUDDIN AHMAD: When the question of filling up of any permanent vacancy arises, the matter is referred to the Communal Ratio Officer and, as decided by him, the post is reserved or not.

Mr. SPEAKER: Question time is over.

Adjournment motion.

Dr. NALINAKSHA SANYAL: Sir, I have got consent of an adjournment motion. May I have leave of the House? I am handing over the same.

Khan Bahadur HAJI BADI AHMED CHOWDHURY: মাননীয় স্পীকার মহোদয়, আমার যে adjournment motion আছে সেটা আমি move করতে চাই।

Mr. SPEAKER: আপনার motionটা পরে শুনবো, এখন আপনি বসুন।

Mr. ATUL CHANDRA SEN: Sir, I gave notice of an adjournment motion.

Mr. SPEAKER: You have got my consent.

Mr. ATUL CHANDRA SEN: May I now move it?

Mr. SPEAKER: Yes.

Mr. ATUL CHANDRA SEN: Sir, I beg leave to move that the business of the Assembly do now stand adjourned to discuss a definite matter of urgent public importance and of recent occurrence, namely, the decision of the Government to ban the Hindu Conference which was to have been held on the 3rd and the 4th June at Lora in the district of Bakarganj under the Defence of India Rules.

Dr. NALINAKSHA SANYAL: Sir, there are three motions—one is Mr. Sen's, another is mine and the third is Mr. Das's. There is a fourth motion of Khan Bahadur Haji Badi Ahmed Chowdhury. Before you ask for the leave of the House, may we enquire through you if in the event of any one of these motions being taken up, the other motions will be treated

either as withdrawn or you will waive urgency. Particularly I am requesting this not with regard to my motion or with regard to Mr. Das's motion but with regard to that of Khan Bahadur Haji Badi Ahmed Chowdhury which I understand relates to the high price of Rs. 60 for rice in the Chittagong area.

Mr. SPEAKER: That is another matter. I have got four adjournment motions today. Now, three relate to the same subject and one relates to a different subject. I found them all in order and I have given my consent for all the four. Now, it is certainly for the Opposition to choose one if they can, but if they cannot choose one, then the one for which leave was first asked for will be taken up. The rest will fall through automatically.

Dr. NALINAKSHA SANYAL: Sir, we do not want to stand on formalities We will not quarrel amongst ourselves. Any one of these three will do. The only difference between my motion and these motions is that whereas in my motion I have covered not merely the Hindu conference but also the order suspending all meetings——

Mr. SPEAKER: Order please. You cannot discuss the merits. I have given consent, as I have already stated, to all the four motions. It is for the Opposition, if they agree amongst themselves, to say as to which of these motions they will take up and I have not got the least objection to taking up that. But if you cannot, then I will proceed according to what appears to me to be just and proper. If you want a little time, I can give you two minutes' time.

Khan Bahadur HAJI BADI AHMED CHOWDHURY: মাননীয় স্পীকার মহোদয়, আমি যে motionটা দিয়েছি, সেটা অত্যন্ত জরুরী।

Mr. SPEAKER: আপনি দয়া করে একটু বসুন।

Mr. SANTOSH KUMAR BASU: Mr. Speaker Sir, so far as these three motions are concerned, we shall immediately make up our mind, but as regards the motion of Khan Bahadur Haji Badi Ahmed Chowdhury, that relates to a different subject altogether, as you have been pleased to point out, and it is also a subject which is of the utmost importance Evidently the Khan Bahadur did not consult other members as to whether they were also going to table any motion today. In that view of the matter, I would request you to treat that matter from a different point of view and waive urgency so far as that matter is concerned It is a matter of supreme importance so far as the district of Chittagong is concerned.

Mr. SPEAKER: I regret I cannot accept that proposition. I have said there will be only one adjournment motion on one day and it will be the one that is accepted. The others will fall through automatically.

Dr. NALINAKSHA SANYAL: So far as I am concerned, I have no objection to yield to Mr. Narendra Nath Das Gupta.

Mr. SPEAKER: It is not a question of yielding at all. One will be taken up.

Khan Bahadur HAJI BADI AHMED CHOWDHURY: আমার motionটা Houseএ একবার শুনাতে চাই।

Mr. SPEAKER: Sit down please. আপনি দয়া করে বসুন।

Khan Bahadur HAJI BADI AHMED CHOWDHURY: আমি আমার motionটা move করছি এবং.....

Mr. SPEAKER: মিঃ চৌধুরী আপনি দয়া করে বসুন একটু। আপনি জানেন যে একদিনে যদি তিন, চারটা motion আসে, তাহলে একটা রেখে বাকীগুল বাতিল করতে হয় এবং কোন principal motionটা নেওয়া হবে, সেটা আমাকে consider করতে হবে।

Sj. NARENDRA NATH DAS GUPTA: Sir, I beg leave to move that this House do now adjourn to consider a matter of definite and urgent public importance and of recent occurrence, namely, the situation arising out of the banning of Hindu Conference proposed to be held at Lora, Barisal, on 3rd and 4th June, 1944, under the presidency of the Maharajadhiraja Bahadur of Burdwan in terms of the Government Press Note, dated the 1st June, 1944, and the Government notification published in an Extraordinary issue of the *Calcutta Gazette*, dated the 1st June, 1944, banning all public meetings in the subdivisions of Pirojpur, Bagerhat, Gopalganj, Narail, Magura and Jhenidah from 2nd June to 16th June, 1944.

Mr. SPEAKER: I now place before the House the statement of facts.

"The Hindus of Barisal, Khulna, Jessore and Faridpur had organised a Hindu Conference at Lora, post office Mathibhanga, to be held on 3rd and 4th June, 1944, under the presidency of Maharajadhiraja Bahadur of Burdwan. The main initiative for this Conference was taken by the Scheduled Castes specially the Namasudras and the Conference was intended for social, economical and educational uplift of the Hindus. Permission for holding the Conference was granted by the District Magistrate, Barisal, and there was an unprecedented enthusiasm to make the Conference a success. Some of the Ministers and their supporters tried at first to create disruption among the Hindus and to dissuade them from joining the Conference. There is reason to believe that this was done at the instigation of the Ministry as was evidenced by the utterances of one of the Scheduled Caste Minister who specially visited this area only about a week ago. As his efforts proved futile the Ministry ordered the banning of Conference under the Defence of India Rules on the plea that there were communal disturbances in neighbouring areas. The disturbances referred to took place between 25th and 27th May far away from the venue of the Conference in another district and were already brought under control.

The local situation had all along been calm and peaceful and did not at all justify such action. This order was issued by the Ministry from Calcutta and not on the initiative of the local officers concerned."

Is there any objection to the adjournment motion? (Cries of "yes" from ministerialist benches.) As an objection has been raised, I would request those members who are in favour of this motion to rise in their seats.

(Some members rose in their seats and a count was taken.)

As the requisite number of members have risen in their seats, the honourable member has got the leave of the House.

I think we should take up the adjournment motion just now. That will be proper. Otherwise we shall have to sit late.

Khan Bahadur Haji BADI AHMED CHOWDHURY: মাননীয় স্পীকার মহোদয়, আমার Motionটা কি হবে?

Mr. SPEAKER: মিঃ চৌধুরী, আপনি শুনুন, এখানে আইন অনুসারে চলতে হবে আমাকে, সুতরাং আমি কি করতে পারি?

Khan Bahadur Haji BADI AHMED CHOWDHURY: আপনি তাহলে একটা motion না করে, চারটা motionই Houseএর সামনে নিয়ে আসুন এবং Houseএর যত members আছেন তাঁদের মত নিন; majority members যা বলবেন তাই হবে।

Mr. SPEAKER: খান বাহাদুর সাহেব, দয়া করে বসুন।

Khan Bahadur Haji BADI AHMED CHOWDHURY: আমার motion move করবার সুযোগ কি আমাকে দেবেন না?

Mr. SPEAKER : আইনে না দিলে, আমি কি করবো বলুন।

Khan Bahadur Haji BADI AHMED CHOWDHURY : আইনে না দিলে এটা কি হবে তাই বলুন? আমাকে শোনাবার সুযোগ দেবেন কি না?

Mr. SPEAKER : একটার বেশী adjournment motionএর discussion এক দিনে হতে পারে না।

Khan Bahadur Haji BADI AHMED CHOWDHURY : আমি স্বীকার করি, চারটে motion আজকের দিনে table করা হয়েছে, কিন্তু আপনার পূর্ব্বেই বিবেচনা করা উচিত ছিল যে এই চারটের মধ্যে কোনটা সবচেয়ে বেশী important.

Mr. SPEAKER : খান বাহাদুর, আপনি দয়া করে বসুন। আপনাকে অনুরোধ করছি বসতে। খান বাহাদুর সাহেব, এটা ঠিক হচ্ছে না। Yes, Mr. Das Gupta.

Khan Bahadur Haji BADI AHMED CHOWDHURY : আমার motionটা আমি আজ আনবো।

Mr. SPEAKER : আপনার motion আজকে হবে না। আপনি বসুন।

Khan Bahadur Haji BADI AHMED CHOWDHURY : আমি জানতে চাই, আমার motionটা move করতে দেওয়া হবে কি না?

Mr. SPEAKER : আপনি বার বার উঠবেন না। আপনি দয়া করে বসুন।

Khan Bahadur Haji BADI AHMED CHOWDHURY : আপনি কালকে আমার motionটা move করতে দেবেন কি না?

Mr. SPEAKER : বসুন আপনি। You are creating disorder.

Khan Bahadur Haji BADI AHMED CHOWDHURY : আমি আমার motionটা move করছি এবং বলছি চট্টগ্রামে চালের দর.....

Mr. SPEAKER : Order please খান বাহাদুর সাহেব, আপনি বসবেন কি না?

(At this stage the House was adjourned for fifteen minutes for prayer.)

Sj. NARENDRA NATH DAS GUPTA: Sir, I beg to move that this House do now adjourn to consider a matter of definite and urgent public importance and of recent occurrence, namely, the situation arising out of the banning of Hindu Conference proposed to be held at Lora, Barisal, on 3rd and 4th June, 1944, under the presidency of the Maharajadhiraja Bahadur of Burdwan in terms of the Government Press Note, dated the 1st June, 1944, and the Government notification published in an Extraordinary issue of the *Calcutta Gazette*, dated the 1st June, 1944, banning all public meetings in the subdivisions of Pirojpur, Bagerhat, Gopalganj, Narail, Magura and Jhenidah from 2nd June to 16th June, 1944.

মাননীয় স্পীকার মহোদয়, আমার প্রস্তাবটি হচ্ছে—এই বর্ত্তমান লীগ মন্ত্রিমণ্ডলীর কাছ থেকে অন্যায় অযৌক্তিক ব্যবহার পাওয়ার জন্য। বর্ত্তমানে যে বিষয় নিয়ে আমি স্থগিত প্রস্তাব উপস্থিত করছি সেটা লীগ মন্ত্রিমণ্ডলীর অতীত কীর্ত্তিকলাপকেও লজ্জা দেবে।

বরিশাল জেলার অন্তর্গত লড়া গ্রামে পার্শ্ববর্ত্তী জেলার হিন্দুরা একত্রিত হয়ে একটি conference করবেন এই সিদ্ধান্ত হয় দুই মাস পূর্ব্বে। এই conferenceএর প্রধান উদ্দেশ্য ছিল যে সমগ্র হিন্দু সমাজ কি প্রকারে একত্রিত হয়ে নিজেদের সামাজিক, অর্থনৈতিক এবং শিক্ষা সম্পর্কিত বিষয়ের উন্নতি সাধন করতে পারে। এর পিছনে কোন সম্প্রদায় বিশেষের

বিরুদ্ধে কোন প্রকার বিদ্বেষের আভাষ ছিল না। পরন্তু এই conferenceএর একটা বিশেষ লক্ষ্য ছিল যে হিন্দুর উন্নতির সঙ্গে সঙ্গে অন্যান্য সম্প্রদায়ের সঙ্গে বন্ধুত্বের ও প্রীতির ভাব বর্দ্ধিত করা। কাজেই এই প্রকার পবিত্র এবং মহান উদ্দেশ্য নিয়ে যে অধিবেশনের সূচনা তার পিছনে আমাদের মুসলিম লীগ গভর্ণমেণ্ট দেখতে পেলো একটা বিরাট বিভীষিকা। সেই বিভীষিকা আর কিছুই না, তাঁরা চান না ভারতের মধ্যে, বাংলার মধ্যে সর্ব্ব শ্রেণীর হিন্দু জনসাধারণ একতাবদ্ধভাবে বসবাস করে। তাঁরা যেমন ভারতবর্ষের বুকে ভারতীয় জাতিকে খণ্ড-বিখণ্ড করবার জন্য বিভেদ ভাব, সাম্প্রদায়িকতার বহ্নিপ্রবাহ চালিত করেছেন ঠিক তেমনিভাবে তাঁরা চান হিন্দু সমাজের বুকে ভেদ-বিভেদের বহ্নি প্রজ্জ্বলিত করতে অর্থাৎ হিন্দু জাতিকে খণ্ডিত করতে। একদিকে ভারতীয় জাতিকে খণ্ডিত করা এবং অপর দিকে হিন্দু জাতির বিভিন্ন শ্রেণীর মধ্যে যে প্রীতি, মিলন ও প্রেম আছে তাকে ধ্বংস করা, এই হচ্ছে বর্ত্তমান মন্ত্রিমণ্ডলীর কাজ। লড়াতে যে conference হতে যাচ্ছিল, তাকে বাধা দেবার উদ্দেশ্য এইটাই একমাত্র, এছাড়া আর কোন উদ্দেশ্য নেই। আমরা জানি, যখন এই conference হবে তার পূর্ব্বে বর্ত্তমান লীগ মন্ত্রিমণ্ডলীর অনুগৃহীত উচ্ছিষ্টভোজী জনৈক মন্ত্রী বেরিয়ে পড়লেন যে কি প্রকারে এই conferenceকে বাধা দেওয়া যায়। তিনি গ্রামে গ্রামে ঘুরে দেখতে পেলেন, যারা উচ্ছিষ্ট খায় ..... (interruptions) (A VOICE. আপনাদের সন্তোষ বাবু, শ্যামাপ্রসাদ বাবু যখন এদিকে ছিলেন, তখন তাঁরা কি ভোজী ছিলেন?) ওঁরা আমার কথা শুনে চিৎকার করে উঠছেন। যে অপরাধী সেই চিৎকার করে উঠে। কথায় বলে, "ঠাকুর ঘরে কে? কলা খাই না।" ওঁদেরও তাই হয়েছে। তিনি যাদের ভোটে নির্ব্বাচিত হয়ে এই এসেম্বলীতে এসেছেন, এখন যদি তিনি, তাঁর বর্ত্তমান কার্য্যকলাপের জন্য তাদের সম্মুখে উপস্থিত হন, তাহলে তাঁর অবস্থা কি হবে সেটা আমরা জানি। যাই হোক, তিনি সেই অঞ্চলে ঘুরে বেড়ালেন গভর্ণমেণ্টের টাকায় এবং গভর্ণমেণ্টের লঞ্চে, সঙ্গে নিয়ে গেলেন Scheduled Casteএর একজন Special Officerকে। এর পিছনে দুইটা যুক্তি ছিল। একটা যুক্তি হল যে, যদি conference করতে দেওয়া হয় তাহলে তাদের অবস্থা হবে "গেল রাজ্য, গেল মান।" আর একটা যুক্তি ছিল এই Special Officerকে নেবার তার কারণ হচ্ছে যে ৫ লক্ষ টাকা এসেম্বলী থেকে দেবার ব্যবস্থা হয়েছে, যারা বাধা দেবে এই conferenceকে তারা এর ভাগ পাবে। সুতরাং তিনি নানা জায়গায় গিয়ে বলতে লাগলেন, "তোমরা এসো, তোমাদের স্কুলে এবং তোমাদের নানা প্রকারে সাহায্য করবো, তোমরা এই conferenceকে পণ্ড করো"। এবং তার ফলে দু'চার জন যে তাঁর দলে ভিড়ল না তা নয়। কারণ "লোভীর সম্মুখে যদি ফাঁদ পাতা যায়, পশুপক্ষী, নর, কীট কেহ না এড়ায়"। এবং এই কথার সত্যতার পরিচয় আমাদের বর্ত্তমান মন্ত্রিমণ্ডলীর মধ্যে যে ছয় জন হিন্দু মিনিষ্টার এবং পার্লামেণ্টারী সেক্রেটারী আছেন তার নজীর দেখা যাচ্ছে। কিন্তু যে ভাবের বন্যায় সমস্ত অঞ্চলকে ভাসিয়ে নিয়ে গিয়েছিল তার সম্মুখে, তাঁদের এই চেষ্টা ব্যর্থ হ'ল এবং conferenceকে কৃতকার্য্য করবার জন্য তাঁরা কাজে লেগে গেলেন। তখন আমাদের সেই মন্ত্রিপুঙ্গব সেই লড়া conferenceএর অদূরে এক মাইল দূরবর্ত্তী মালিখালি গ্রামে একটি সভায় উপস্থিত হয়ে বক্তৃতা করতে গেলেন। হিন্দুর মধ্যে ভেদ-বিভেদ সৃষ্টি করবার জন্য তিনি নানা প্রকার বক্তৃতা করতে লাগলেন। সেখানে নমঃশূদ্র সম্প্রদায়ের নেতৃস্থানীয় কোন আইনজীবি গভর্ণমেণ্ট টিচার সেই সভায় দাঁড়িয়ে যখন এর প্রতিবাদ করলেন, তখন মন্ত্রী মহাশয় বললেন "আমি এই রাজ্যের রাজা আর আমার বিরুদ্ধে এই সমস্ত হচ্ছে"। তখন তিনি গর্জ্জন করে বললেন "মারো, এদের মারো"। কিন্তু তাতেও যখন কোন কাজ হল না, তখন মন্ত্রী মহাশয় নিরুপায় গণলেন। সেই সময় হঠাৎ মন্ত্রী মহাশয়ের কাছে উপস্থিত হলেন আর একজন তাঁরই সগোষ্ঠি, তিনি বলতে লাগলেন "মন্ত্রী মহাশয়,

আমাদের গ্রাম আক্রান্ত হয়েছে, সেখানে আপনি চলুন, আমাদের রক্ষা করুন, আমাদের বাঁচান, সেখানে সাম্প্রদায়িক দাবানল জ্বলে উঠেছে"। মন্ত্রী মহাশয় উত্তর দিলেন "ওটাত এ জেলায় নয়, ওটা আমার এলাকার বাইরে, সেখানে আমি যেতে পারি না"। এই বলে, কোন রকমে তিনি সেখান থেকে পলায়ন করেন। কথা হচ্ছে এই যে সাম্প্রদায়িক ঝগড়া যেটাকে বলা হয়েছে সেটা বাস্তবিক সাম্প্রদায়িক কি না? আপনারা খবরের কাগজে পড়ে থাকবেন এবং গভর্ণমেণ্টের কর্ম্মচারীদের কাছ থেকে যে সমস্ত report বেরিয়েছে তা থেকে দেখতে পাবেন যে একটা সামান্য চর নিয়ে এই ঝগড়া এবং দাঙ্গার সৃষ্টি হয়। প্রথম যখন সামান্য একটা জায়গায় এই দাঙ্গা হাঙ্গামার সৃষ্টি হয় তখন সেখানে, খুলনার S. P. সাহেব তদারকে যান। বহু হিন্দু মুসলমান তার কাছে উপস্থিত হন এবং তাঁর কাছে আশ্রয়প্রার্থী হয়েছিলেন। তিনি তাদের সাম্‌নে বহু মুসলমান ভাইদের ডেকে বলেছেন যে যদি মুসলমান ভাইদের একখানা ঘর পুড়ে তাহলে হিন্দুদের কয়খানা ঘর পুড়বে। এই ধরণের লোক গভর্ণমেণ্টের তরফ থেকে সেখানে পাঠান হয়েছিল। যিনি বলছেন একখানা যদি মুসলমানের ঘর পুড়ান হয় তাহলে হিন্দুর ঘর কয় খানা পোড়ান হবে? এবং এইভাবে গভর্ণমেণ্টের কর্ম্মচারীরা সাম্প্রদায়িক দাবানল জ্বালিয়ে তোলা সত্ত্বেও, যে জায়গায় conferenceহতে যাচ্ছিল সেখানে হিন্দু মুসলমানের সম্প্রীতি অটুট ছিল। সেখানে মুসলমান, হিন্দুদের নিজেদের ভাই বলে মনে করত এবং হিন্দুরাও মুসলমানদের নিজ ভাই বলে মনে করত। (A VOICE: Question.) তার যদি প্রমাণ চান, আমি প্রমাণ দিচ্ছি। গত শনিবার দিন আমি ডাঃ শ্যামাপ্রসাদ মুখোপাধ্যায়ের সঙ্গে সেই অঞ্চলে গিয়েছিলাম, সেখানে হাজার হাজার হিন্দু এবং মুসলমান উভয় সম্প্রদায়ই উপস্থিত ছিল। সেখানে এক দল মুসলমান কর্তৃক শ্যামাপ্রসাদ মুখোপাধ্যায়কে শ্রদ্ধা জানাবার উদ্দেশ্যে তাঁকে একটি বড় তবমুজ উপহার দিয়েছিল। এখানে হিন্দু মুসলমানের সম্প্রীতি থাকা সত্ত্বেও, সেই দূরে খুলনা জেলায় যে দাঙ্গা হাঙ্গামা হয়েছিল তার অজুহাতে লড়ায় conference বন্ধ করে দেওয়া হল। এর যুক্তিটা কি? আমরা ছোট বেলায় পড়েছিলাম "ওপার থেকে মারলো ছুরি, ছুরি লাগলো কলা গাছে। হাঁটু ভেঙ্গে রক্ত পড়ে, কার বাপের শ্রাদ্ধ হবে"। এখানেও ঠিক তেমনিভাবে মুসলীম লীগ মন্ত্রিমণ্ডলী কাজ করছেন। বাগেরহাটের S. D. O.র সঙ্গে শ্যামাপ্রসাদ বাবু ও আমার দেখা হয়েছিল, তাঁকে জিজ্ঞাসা করেছিলাম যে "আপনি কি মনে করেন যে বাগেরহাটে meetings ban করবার কোন যুক্তি আছে?" তিনি উত্তরে বললেন "আমরা কি করবো, আমরা নিরুপায়। উপর থেকে হুকুম এসেছে"। বরিশালের Magistrate এবং S. D. O. উভয়ে লিখিতভাবে অনুমতি দিয়েছিলেন যে "আপনারা conference করুন, আমাদের কোন আপত্তি নাই"। কিন্তু তা সত্ত্বেও এই conference বন্ধ করে দেওয়া হ'ল। কোথায় ৮।১০ মাইল দূরে একটা জায়গায় দাঙ্গা হয়েছিল তারই অজুহাতে নিয়ে লড়াতে হিন্দু conference বন্ধ করে দেওয়া হ'ল। এটা গভর্ণমেণ্টের পক্ষে একটা বর্বরতার কাজ ছাড়া আর কিছুই নয়।

এখন কথা হচ্ছে এই যে conferenceকে ত বন্ধ করে দেওয়া হয়েছে। দুই তারিখ থেকে ১৬ তারিখ পর্য্যন্ত এই জায়গায় কোন conference হতে পারবে না। এই conference উপলক্ষে সেখানে বহু দূরপ্রান্ত থেকে নানা জায়গা থেকে প্রায় ৩০।৪০ হাজার লোক এসে উপস্থিত হয়েছিল। এই যে প্রায় এক লক্ষ লোকের সমাগম যারা বহু দূরপ্রান্ত থেকে ছুটে এসেছিল সেই conferenceতে, তার মধ্যে আমাদের বর্ত্তমান লীগ মন্ত্রিমণ্ডলীর, বিশেষ করে আমাদের রসিক নাগরিক রসিকলাল বিশ্বাস মহাশয় অত্যন্ত দুঃখের সঙ্গে শুনবেন, যে তাঁদের সগোষ্ঠ এবং তাঁর স্বজাতির মধ্যে শতকরা ৯০ জন ছিল। তাঁদের এই conferenceকে বন্ধ করে দিয়েছেন; এবং যদি আবার ১৬ তারিখের পর তাঁরা সেখানে conference করতে

বান, তাহলে হয়তো কর্তৃপক্ষ বলবেন চাকায় যে দুই বছর আগে দাঙ্গা হাঙ্গামা হয়েছিল তারই অজুহাত নিয়ে যে এখন সেখানে conference হতে পারবে না। হয়ত তাঁরা বলবেন আমরা দিনাজপুরে যেহেতু পাকিস্থান conference করেছি, গভর্ণমেণ্টের টাকায় এবং গভর্ণমেণ্টের groundএ যে পাকিস্থানের পতাকা উত্তোলন করেছি, সেইহেতু সমস্ত বাংলায় আর হিন্দু conference হতে পারবে না। এই রকম যুক্তি দিয়ে যা কিছু অসম্ভব তাকে সম্ভব করলেও আমাদের আশ্চর্য্য হবার কিছু নেই। কাজেই আজ এই মুলতবী প্রস্তাব এনে শুধু যে বর্ত্তমান মন্ত্রিমণ্ডলীর বিরুদ্ধে অনাস্থা স্থাপন করছি তা নয়, তাঁদের প্রতি আমার অন্তরের গভীর ঘৃণা প্রকাশ করছি।

(At this stage the House was adjourned for fifteen minutes for prayer.)

(After adjournment.)

Mr. PROMATHA RANJAN THAKUR: Mr. Speaker, Sir, after the speech of Mr. Narendra Nath Das, an esteemed friend of mine, very little remains to be said regarding the League Ministry's decision banning the Hindu conference that was to have been held at Lora, in the district of Barisal. But as I happened to be the Chairman of the Reception Committee of that conference, I feel it my duty to tell the House what a great injustice has been done to the Hindus.

Sir, this conference was called mostly by the members of the Scheduled Castes of the four important districts of the lower Bengal, namely, Barisal, Khulna, Jessore and Faridpur and was intended for the social uplift of the Scheduled Castes and the backward classes. The Maharajadhiraja Bahadur of Burdwan who is a non-party gentleman was elected its president. Great preparations were made at a cost of nearly 10 thousand rupees. Everything was complete and the leaders and representatives of the Hindu community from different parts of Bengal were on their way to the conference, when to the great surprise of all a *communiqué* was issued by the Government banning the conference. The outbreak of communal disturbances in the Bagerhat subdivision of the Khulna district was made the plea of issuing the ban. From the *communiqué* it appears that the District Magistrates of as many as four districts, namely, Barisal, Faridpur, Khulna and Jessore did not report to the Government that the holding of this Hindu conference in a village in Barisal would aggravate the communal tension in the subdivisions of Gopalganj, Pirojpur, Bagerhat, Narail, Magura and Jhenidah. The District Magaistrate of Barisal gave permission to hold the conference and he did not withdraw it even at the last moment. From it, it is distinctly evident that the League Ministry took the initiative to issue this ban.

The reason is not very far to seek. The Ministry is at present trying very hard to have the Secondary Education Bill passed and it thought that the Hindu public opinion as a result of the discussions at the conference would be so mobilised that the passage of the Bill would be an impossibility. With this apprehension, for the last few days the League Ministry adopted some subtle means to prevent the sitting of the conference. One of the Scheduled Caste Ministers was sent to this locality to hold meetings and dissuade the people from taking part in this conference at the public expense. Mr. Mukunda Behary Mullick, the Deputy Leader of the Bengal Coalition Party, wrote letters to many Namasudra leaders of the locality requesting them not to join this conference. When all these nefarious attempts failed the League Ministry had no other alternative but to ban the conference at the eleventh hour. Sir, this was the situation and from it you can judge the mentality of the present Ministry.

The communal disturbances that broke out was of the agrarian nature and it was far away from the venue of the conference. It was brought

under control and there was peace everywhere in the locality. If there were any apprehensions of the breach of peace, the District Magistrate of Barisal would have banned the conference soon after the outbreak of disturbances. I wonder whether the District Magistrates of Barisal and other three districts were at all consulted before issuing this ban. If they were consulted before, this unfortunate thing would have never happened.

Sir, at this stage one question naturally arises in the mind of all whether this conference would have been banned, had it been a Muslim League conference. Certainly not. This conference has been banned but the Chief Minister and Mr. H. S. Suhrawardy had gone over to Dinajpur to join the Muslim League conference there. Never for a moment could they think that it would be a great injustice on their part to ban a Hindu conference and personally join a Muslim conference at the same time. It distinctly shews that the League Ministry intends to gag the Hindu public opinion and adopt means, fair or foul, to achieve their ends.

But how long will these things go on in this way? The Muslim League has got four Caste Hindus in their side of which three are Ministers. They have taken advantage of the difference between the Caste Hindus and the Scheduled Castes and as a result of that some Scheduled Caste members have gone over to their side. But I ask very sincerely whether the Muslim League really wants the good of the Scheduled Castes. If they wanted it, their condition would have been much improved. The Muslim League wants the Scheduled Castes just to weaken the Hindus at large. The Leaguers know very well that the Caste Hindus are well advanced educationally and economically, and if with the help of the Government the condition of the Scheduled Castes be improved, then the Muslims in Bengal would perpetually remain behind the Hindus. This mentality of the Muslim League has been detected in all their activities. The Scheduled Castes are becoming conscious of it.

The Muslim League does not want that the Caste Hindus and the Scheduled Castes should unite together. I had been to the different provinces of India to study the Scheduled Caste problems there. And I am definitely of the opinion that the difference that exists between the Caste Hindus and the Scheduled Castes in Bengal is very little and it would very soon disappear like a snowball.

The Pakistan movement of the Muslim League is a movement which is helping a good deal to bring unity between the Scheduled Castes and the Caste Hindus. The Muslim League wants Pakistan but what is that to the Scheduled Castes? In this respect they would be equally treated as the Caste Hindus. I therefore appeal to the Scheduled Castes members who are with the Muslim League to understand their position. They are only unconsciously helping the League to gain Pakistan where no Hindu would have any place.

This Pakistan movement is driving the Hindus' home to understand their present position and time is not far off when all the Hindus will unite together to give a united front to this movement. The young Hindu Bengal is rebuilding itself.

Mr. MUKUNDA BEHARI MULLICK: Sir, I rise to say a few words in connection with this Adjournment Motion. My reason is that the place where these unfortunate disturbances have taken place is within my constituency and within my subdivision and the other place about which so much has been said this afternoon where a certain conference was arranged is within a very short distance of it and is practically on the other bank of the river that intervenes. I am only sorry that various things have been said for which there is hardly any justification. I can well appreciate the reason for all this as most of the honourable members who have spoken have got no idea of this particular locality. It will be

my desire therefore to try and remove, if I may, some amount of misapprehension under which some of my honourable friends are labouring.

This particular place within Mollahat police-station in Bagerhat sub-division was a few years back under the Administrative Jurisdiction of Nazirpur police-station in Pirojpur sub-division of the district of Barisal. With the change of course of the river Madhumati, this particular place consisting of two unions was separated from the district of Barisal and Government thought that for administrative purposes these two unions might be transferred to the district of Khulna. It was so done and these unions are now in Khulna. It is at the junction of not only three, but practically four, districts of Bengal—Khulna, Barisal, Faridpur and Jessore.

There were instances in the past when for some little misunderstanding amongst the people of this area, there was some sort of fracas but it appeared that whenever there was any such occasion, people specially the particular class known as *lathials* both of Hindus and Muslims—used to come from the neighbouring districts by crossing the boundary river and take sides as a result of which, the unfortunate people of this area suffered the most. There was one such instance in the month of March, 1941. I was then a member of the Council of Ministers.

I paid a visit to the area in April, 1941, along with the local officers and I walked through the villages for a pretty long time. I was shocked to find that both the communities—Muslims and Namasudras—of the locality suffered very greatly inasmuch as a large number of their houses were burnt and a few persons even lost their lives. The local leaders of both the communities met me and expressed their regret at what had happened but they told me definitely that although the original misunderstanding was with regard to a little piece of land which was about to be amicably settled at the intervention of their own people, there appeared a few people of some political denomination who were strangers to the place and at whose instigation from different sides, both the communities were incited and inflamed and the result was extremely painful to both. They regretted their conduct and ultimately at their own request and with the help of the district and subdivisional authorities all the misunderstandings were removed and the cases were amicably settled. As I understood their feelings, I felt that perhaps things of the kind would never be repeated.

I was extremely sorry when I read in the papers a few days ago that over a certain misunderstanding again, the two communities of this area had met with another incident of lawlessness. On this occasion also at the instigation of the outside political agency, which had a small office in this area and some of whose workers had succeeded in catching the imagination of a few dishonest people and pulling the string from behind, both the communities, innocent, illiterate and ignorant as they are, without being able to think of the consequences of these acts of lawlessness, got into flames. Whatever these people of the locality were or were not able to do themselves this outside political agency had hired *lathials* of different communities brought from the three different neighbouring districts and caused all the havoc, a description of which has already appeared in the papers. I have had reports from some of the local leading gentlemen to indicate as to how all this had come about. Some of the political agitators have now appeared in the role of their friends and are trying to show that it is they who are able to help them in all possible ways.

In the face of these disturbances, when the feeling was running very high not only amongst the two communities but amongst different groups of the Namasudras themselves who are the predominating community not only in this area but also in the neighbouring districts of Barisal and Faridpur on the other bank of the river Madhumati, a certain political organisation known as the Hindu Sabha thought of organising a conference on the other side of the river for purposes known best to themselves. I

have had not only letters from various leading people of this community of the four districts but that a large number of people came and saw me in Calcutta asking for my advice and opinion about this conference. They sent to me by post and also brought to me personally some printed leaflets distributed by this organisation. I am not quite sure if all that is said in these leaflets has been actually said by the people of this organisation but if what they purport is at all correct, it is a matter of great misfortune. Again these leaflets are alleged to bear the names of some of the leading gentlemen of the Namasudra community of the four different districts. It appears that a large number of these gentlemen do not know anything about the conference or about the leaflets being issued with their names printed on it—not to talk of giving their consent at all to it. Some of them at least who live close to this place have issued a counter-leaflet to indicate that they have got nothing to do with this conference and have no sympathy with it. They have further shown by this leaflet that if this conference be attended by people of their community, it will go very hard against them since it was designed to strike at the root of the political achievement that they have been able to make under the British administration which is not fettered by any consideration of caste, creed or community as it has been able to do though to a very small extent, through a liberal education, as has been given by Government established by law in this country.

At a time when feeling was running very high not only between the different communities but also in the different groups of the Namasudra community, it was not only inopportune but it was unfortunate that a conference of this description should have been thought of being held at a place which is very close to the scene of disturbance, which took place a few days ago.

I was not at all surprised but was a bit sorry to read a leading article in a Caste Hindu paper on Saturday last and also a statement issued to the Press on the same day by one of the leading agitators of this group to indicate that the Government of Bengal have done a very wrong thing in banning a conference to be held in the district of Barisal. From my little experience of the Press in Bengal, I have felt that if there is any one section of the public which presumes to know everything in this world, it is the Press of this unfortunate province. It has been clearly indicated in that leading article that the Government of Bengal of today should be given a lesson on the topography of this place, themselves knowing very little and practically nothing at least of this area where this disturbance took place only a few days ago and the place where this conference was about to be held. Yesterday's cartoon on the first page of this paper has also given an indication of this. As observed already, the two places are within a very short distance of each other—perhaps a mile or so, and these are on either side of the present boundary river. Instead of giving lessons on geography to the Government of Bengal, I would only desire that such people who pretend to know too much should take an elementary lesson of geography themselves of the province.

I am sorry to read in the statement of this political agitator certain expressions used about members now supporting Government of the day. I do not feel inclined to degrade myself and to use the same expression about others but I would only ask my honourable friends of the Scheduled Castes who have deserted us for considerations known to themselves to peruse such statement and expressions used by the mover of this motion today and give their own verdict about all that has been happening in the province regarding their own communities—the Scheduled Castes—at the instance of these uncalled for friends of theirs. Having known the activities not only of those who are shouting the loudest today but also of their predecessors for well-nigh over 30 years, I would only say that we have known enough of their charities and of those of their predecessors and we would only request them to call back their dogs. After what we have been

noticing in this House for the last few weeks, we would only offer our prayers to Heavens that if this is the result of education which is being boasted of so much today, we might be saved from the clutches of such education as soon as possible.

The order made by Government on the 1st of June last should, in view of the events which have happened at least in the few neighbouring districts, have been made earlier. In any event, the Press would realise that it does not affect the whole of the district of Barisal not even the whole of the districts of Khulna, Faridpur and Jessore. It only concerns a few subdivisions which are contiguous to one another. They do not seem to know the unfortunate incidents that took place in the Jhenidah subdivision of the district of Jessore. It had a tendency to spread towards Magura and Narail subdivisions. I can only congratulate the Hon'ble the Chief Minister and his Government for taking courage in making an order banning all processions and meetings in these few subdivisions for a brief period of two weeks. I do not know if this period should be extended, but this will certainly depend upon future events. It has at any rate produced the effect of stopping bloodshed of a large number of human beings which would have undoubtedly happened if this conference at this time of tension would have been allowed to be held at a place which is at a very short distance of the original place of disturbance.

In this view of the matter, I have no other alternative but to oppose this adjournment motion

Mr. SHAH SYED GOLAM SARWAR HOSAINI : মাননীয় স্পীকার মহোদয়, এই মন্ত্রী-সভা গণতন্ত্রের দিনে দেশের জনসাধারণের উপর, লোকের ব্যক্তি স্বাধীনতার উপর, যেরূপ হস্তক্ষেপ করেছে তা কোন মতেই সমর্থন করা যায় না। স্যার, অদ্যকার মুলতুবী প্রস্তাব যিনি উত্থাপন করেছেন তিনি বলেছেন বরিশাল জেলায় লড়া গ্রামে যে হিন্দু Conference হতে যাচ্ছিল, তাকে ১৪৪ ধারা জারী করে গভর্ণমেণ্ট বন্ধ করে দিয়েছেন। গভর্ণমেণ্টের এই প্রকার হস্তক্ষেপ মানুষের ব্যক্তি স্বাধীনতার উপর, তাদের ধর্ম্মের উপর, এটা বড়ই লজ্জাকর ব্যাপার। সেখানকার সমস্ত ঘটনার বিবরণ, ইতিহাস তিনি তাঁর বিবৃতিতে বলেছেন। স্যার, এই connectionএ আমি এই পরিষদে বর্ত্তমান মন্ত্রী-সভার আর একটি ব্যক্তি স্বাধীনতার উপর হস্তক্ষেপের বিষয় উল্লেখ করছি।

Mr. SPEAKER : আপনি এই Adjournment Motion সম্বন্ধে বলুন। অন্য কোন কথা বলবেন না।

Mr. SHAH SYED GOLAM SARWAR HOSAINI : স্যার, এটাও এই প্রকার ব্যাপার, মানুষের ব্যক্তি স্বাধীনতার প্রশ্ন। জমায়েতে উলেমা আন্দোলন ভারত এবং বাংলার জনপ্রিয় আন্দোলন। মৌঃ আর, আমীন বাংলার এবং আসামের একজন শ্রেষ্ঠ উলেমা। তিনি বিশেষ শিক্ষিত, মুসলমান ছাত্রেরা তাঁর নিকট হতে ধর্ম্ম শিক্ষা পাচ্ছে। এহেন লোকের উপর District Collector সাহেব ১৪৪ ধারা জারী করেছেন, এবং তিনি যাতে কোন meeting করতে না পারেন সেইজন্য তাঁর পিছনে পুলিশ লাগিয়ে দেওয়া হয়েছে। সেখানে . . . (interruption) . . . . বাহিরের বহু লোক উপস্থিত হয়েছিল কিন্তু তা সত্ত্বেও সেই meeting বন্ধ করে দেওয়া হয়।

স্যার, মৌঃ আমীন সাহেব বাংলার এবং আসামের একজন বিখ্যাত আইনজ্ঞ। তাঁর উপর এই প্রকার অবিচার-অত্যাচার হয়েছে। মিঃ আবদুল হামিদ মুসলিম লীগের তরফ থেকে চট্টগ্রামে সভা করেছেন এবং লীগের বিষয়, পাকিস্থানের বিষয় জনসাধারণকে জানানো হয়েছে কিন্তু তাতে আমরা আপত্তি করিনি। কারণ আমরা মনে করি মানুষের ব্যক্তি স্বাধীনতার দিক দিয়ে কাজ করবার তার যথেষ্ট অধিকার আছে। মৌলানা আমীন সাহেব দায়িত্বজ্ঞানহীন ব্যক্তি নন। এই

মন্ত্রী-সভার যে কোন মন্ত্রী বা পার্লামেণ্টারী সেক্রেটারীর চেয়ে তিনি অতি উচ্চে স্থান পেয়েছেন। এবং আসাম ও বাংলার মধ্যে তিনি উলেমার যে আসন পেয়েছেন এত বড় শ্রেষ্ঠ আসন বোধ হয় আর কাহারও নাই।

Mr. SPEAKER : এখন এখানে বড় উলেমা বা ছোট উলেমার কথা হচ্ছে না। কথা হচ্ছে যে, বরিশালে হিন্দু Conferenceকে গভর্ণমেণ্ট ban করেছেন, সেটা ন্যায়সঙ্গত কি না? অতএব, আপনি সেই সম্বন্ধে কথা বলুন। অবশ্য এই সম্পর্কে আপনি সংক্ষেপে দুই একটা অপ্রাসঙ্গিক কথা বলতে পারেন। কিন্তু তাই বলে এটাকেই প্রধান করতে পারেন না।

Mr. SHAH SYED GOLAM SARWAR HOSAINI : মিঃ স্পীকার, স্যার, আমরা যাঁকে বড় উলেমা বলবো, আমাদের লীগপন্থী ভাইরা তাঁকে ছোট উলেমা বলবেন, এবং তাঁরা নিজের স্বার্থের জন্য এই রকম বলে থাকেন। এই রকম মৌলানা, উলেমা এবং হিন্দু মহাসভার উপর হস্তক্ষেপ করে মুসলমান এবং হিন্দু ধর্ম্মের উপর গভর্ণমেণ্ট হস্তক্ষেপ করছেন। বর্ত্তমান মন্ত্রী-সভার কর্ম্মচারিবৃন্দ মুসলমান ধর্ম্মের উপর এবং তাদের ধর্ম্মশিক্ষা প্রচারের উপর হস্তক্ষেপ করে তাদের ধর্ম্ম নষ্ট করে দিতে উদ্যত হয়েছে (cries of "shame," "shame")। স্যার, নাজিমুদ্দিন এবং তাঁর কর্ম্মচারিবৃন্দ সময় সময় বড় গলায় চীৎকার করে মুসলমানের খোদার কথা, মসজিদ এবং কোরাণের কথা বলে থাকেন। সুতরাং তাঁদের বোঝা উচিত যে, সকল মানুষের ধর্ম্ম তার নিজের কাছে; এবং সকল মানুষের সমান অধিকার তার নিজ ধর্ম্মে আছে। ধর্ম্মের কাছে বড়, ধনী, গরীব নির্ব্বিশেষে সব সমান। কাহারও ধর্ম্ম কখনও রাজনৈতিক ব্যাপারের বিষয়ীভূত হওয়া উচিত নয়। নোয়াখালিতে মুসলমানেরা বলছেন আমরা লীগপন্থী, জিন্নাপন্থী এবং এই অজুহাতে সেখানকার উলেমারা মুসলমানদের নামাজ পড়াচ্ছেন।

Mr. SPEAKER : আপনি এইসব কথা বলবেন না। Motionএর উপর যা বলার আছে তা বলুন।

Mr. SHAH SYED GOLAM SARWAR HOSAINI : স্যার, একটা কথাতো চট্ করে বলা যায় না। সেখানকার স্থানীয় নেতৃবৃন্দ জেলা ম্যাজিষ্ট্রেটকে জানান এবং তিনি · · ·

(At this stage red light was lit.)

Mr. SPEAKER : আপনি যথেষ্ট বলেছেন, আর বৃথা সময় নষ্ট করবেন না।

Mr. SHAH SYED GOLAM SARWAR HOSAINI : স্যার, আমি প্রার্থনা করি আমাকে একটু সময় দেওয়া হোক।

Mr. SPEAKER : আপনি একটু বসুন। দেখুন, এটা হচ্ছে adjournment motionএর discussion, এখানে অন্য ব্যক্তিদের বিষয় নিয়ে আলোচনা হতে পারে না। আপনাকে বলবার জন্য পাঁচ মিনিট সময় দিয়েছি; তারপরেও যদি আপনি সময় নেন, তাহলে আর সময় দেওয়া যায় না। আপনি শেষ করুন।

Mr. SHAH SYED GOLAM SARWAR HOSAINI : স্যার, তারপর শুক্রবার দিন সন্ধ্যাবেলায় লক্ষ্মীপুরের Circle officer মসজিদের ভিতর যান এবং সেখানে লুকিয়ে থাকেন · · ·

Mr. SPEAKER : আপনি আবার সেই কথা বলছেন। অবান্তর কথা বলবেন না, আপনি বসে পড়ুন।

Mr. ATUL CHANDRA SEN: Mr. Speaker, Sir, what justification have the Government to ban this conference that was to have been held with Maharajadhiraja Bahadur of Burdwan in the chair under the Defence of India Rules? From the Government *communiqué* published on the

2nd June on the subject we find the reason of the ban in the following words, "Owing to an outbreak of communal disturbances in the Bagerhat subdivision of the Khulna district and the existence of communal tension in certain areas of the adjoining districts, Government have decided that it is necessary in order to secure public safety and the maintenance of public order to ban the Hindu conference". By communal disturbances the Government apparently refer to the recent agrarian trouble that broke out in Bagerhat subdivision causing loss of life and property which must be sincerely deplored. There is nothing communal about these disturbances except that merely accidentally the two parties to the quarrel happen to belong to two different communities. In the past there have been agrarian troubles of a similar nature in the area mentioned in the Government *communiqué* in which Hindus and Muslims have fought each other as well as their respective co-religionists on an agrarian issue. Never have these quarrels developed into communal disturbances properly so called, being limited to the area and the specific agrarian issue over which the two contending parties fought. So far as we know the Bagerhat trouble also was limited to a specific agrarian issue and was not likely to develop into widespread communal disturbances and should not have been made the ground of banning a social conference as has been done by the Government.

Even admitting for argument's sake that there was some communal tension in the neighbourhood of the venue of the proposed conference, which is unlikely it being situated miles apart from the scene of the agrarian disturbances, any ban on the said conference is altogether unwarranted and uncalled for. The name of the Maharajadhiraja Bahadur of Burdwan who was to preside over the conference was a sufficient guarantee to the authorities about the real object of the conference. The Government know sufficiently well that the Maharajadhiraja is not a communal or political agitator They have no reason to think that he has changed from what he was about two years back when their god-father, late Sir John Herbert, implored him to help Sir Nazimuddin by accepting a *portfolio* in his Government. If the Maharajadhiraja were called upon to tender any advice to the conference in the matter of communal relationship, is there any doubt as to the kind of advice he would have tendered? Is there any doubt that he would have stood for communal amity and friendship? Again, remembering that the organisers of the conference showed their respect for and confidence in their president-elect by christening the site of the conference as "Udaynagar" after him, is there any doubt that any advice tendered by Maharajadhiraja would be loyally and faithfully accepted by those for whom it might be intended? Considered from any point of view the proposed conference under his guidance and direction, if allowed to be held, would serve to ease any communal tension that there may exist at the moment owing to the Bagerhat incidents

The plea, therefore, that has been taken by the Government for banning the conference, *viz.*, that it was to avoid an aggravation of the communal tension is moonshine as has been aptly described by Srijut Pramatha Ranjan Thakur in a press statement. The real object of the ban is not far to seek. It is purely political. From the manner in which the conference was being organised, the Muslim League Ministry had no doubt that the conference, if allowed to be held, would prove to be one more nail in its own coffin. The Government could realise that a conference of the Scheduled Castes and backward classes among the Hindus organised by a nationalist Scheduled Caste leader like Srijut Pramatha Ranjan Thakur and presided over by a Caste Hindu nobleman of a wide nationalist outlook like the Maharajadhiraja of Burdwan would among other things ask the Caste Hindus and the Scheduled Castes to sink their petty differences and jealousies and align themselves with the progressive and unifying forces in the country. It would be a death blow to the clever political game of those people who thrive by being separatists themselves

and by creating separatism among others by political manœuvring. It would mean the sure downfall of the Muslim League Ministry in which the process of disintegration has already started. Who knows, the die might be cast by condemning the Secondary Education Bill in the conference as detrimental to the interest of the Scheduled Castes as well as other Hindus. It was to avoid this catastrophe that subtle attempts were being made from the Secretariat for the past few days to stop the conference. No less a person that the Hon'ble Mr. Jogendra Nath Mondal went to the locality as the henchman of the Muslim League Ministry and addressed a number of meetings dissuading people from attending the conference. Notwithstanding his exhortation people were mad with enthusiasm to join the conference, preparations for which went on apace. When this indirect method of sabotage failed, the Government adopted the direct method by taking executive action against the conference, in a most unwarranted manner which is condemnable.

(At this stage the member having reached the time-limit resumed his seat.)

Mr. SYED MUSTAGAWSAL HAQUE: Mr. Speaker, Sir, the place where the communal trouble took place is in my subdivision and in my constituency of Bagerhat. Day before yesterday I visited the area in order to see personally the condition of the people and to arrange relief. Sir, I welcomed the move of the Government in banning the conference that was going to be held at Lora one and a half miles off from the place of occurrence. (Srijut NARENDRA NATH DAS GUPTA: It is 8 miles.) I am surprised to see that one of the gentlemen, specially Mr. Das, the mover of the resolution, in order to minimise the importance tried to increase the distance, but it has already been pointed out by Mr. Mullick, who is also a member of that locality, that the place is at the junction of the four districts—Khulna, Jessore, Faridpur and Barisal. On one side of the small river Madhumati is Khulna and on the other side is Barisal, then Faridpur and then north Jessore. In the past, in the year 1941, similar occurrence happened at Kalatala and Maliar Char. From past experience we can say that this sort of trouble, specially among the poor and illiterate Muslims and Namasudras spread and generally people from other districts as for instance Barisal, Faridpur and Jessore come to Bagerhat in the district of Khulna to create this trouble. So Government is justified in stopping this conference because it apprehended that if this conference was allowed to be held at Lora only one and a half miles off from this place there would be trouble.

I will give one instance. On the 28th May, people from Gopalganj and people from Narail in Jessore and from Faridpur, a mob of about 2,000 people, were starting for this place of occurrence and on their way they were intercepted by the tact of the Subdivisional Officer of Bagerhat and the Superintendent of Police and the District Magistrate of Khulna. I am sorry to hear from the statement of Mr. Das that the Superintendent of Police of Khulna, Mr. Ismail, is responsible for this. On the other hand I am very glad to inform this House that at the risk of life the Superintendent of Police of Khulna and the District Magistrate have saved the situation; otherwise the position would have been very difficult.

Mr. Speaker, Sir, I do not like to take much time of the House. The only thing that I can say is that I talked with the people of the locality and also I met some of the local officers. They are also very glad to find that the conference has been stopped and that it has been a very right move on the part of the Government to stop this conference because the people are illiterate and they always believe false rumour. If they hear that a particular area has been affected they rush to the place without enquiring whether a particular incident has happened or not. If that be the position, if this one lakh of people, as has been declared by Mr. Das, were allowed to hold the conference, then there would have happened a very serious incident.

Sir, I have seen that 300 families have been burnt. This is the sample of a burnt lemon I have collected. There were arson and looting and there was a loss of about Rs. 30 lakhs. I congratulate the Government for sending immediate and timely relief. Already some cloths have been sent to the place of occurrence for the relief of the pople and Rs. 10,000 have been sanctioned, but I request the Government to send immediately more money and cloths necessary for the relief of the people.

Sir, I was surprised to see that Dr. Mookerjee who had been to Bagerhat and passed through this area with Mr. Das and Mr. Lahiri while passing this place were shouting communal slogans. This was a place where there was high tension of communal feeling and it was extremely disappointing to find that while Dr. Mookerjee was passing in a launch he shouted communal slogans. After the services these leaders rendered during the last relief I expected that he would go to the place of occurrence and arrange for relief where both Muslims and Namasudras were affected. It was his duty to go there, but instead of doing that he had been there with a political motive and was shouting communal slogans in a place where communal tension was very high and there was distrust and misunderstanding between the different communities.

Mr. UPENDRA NATH EDBAR: Mr. Speaker, Sir, I had no intention to take part in this debate but as this motion for adjournment concerns our right of Pirojpur, therefore I have taken a stand to say a few words.

Sir, I was one of the organisers of the conference there. The aims and objects of the conference were not to embitter the feelings that exist there but the aims and objects were to restore peace and harmony where they were wanting for so many years. With that end in view we wanted to hold a meeting there. On the 2nd June, we learnt from papers that that meeting was going to be banned and it was just like a thunder from the sky. It has been written in the Government order that as there was communal fracas there, the meeting has been banned. Sir, I would have been glad if owing to communal riot, the meeting had been banned. In that case, we would have no grievance but the thing is this that on the 28th May, Mr Jogendra Nath Mandal accompanied by Mr. Kshetra Nath Singha and some other gentlemen went to Dirgha to preside over a meeting and in that meeting Mr. Mandal and Mr Singha openly expressed their views that the meeting should be stopped anyhow either by hook or by crook. Therefore, I find that whether there was communal tension or not, Government had the intention to stop that meeting, a legal meeting which was going to be held with previous permission.

It has only proved that Government had a *mala-fide* intention to stop the meeting, because I think the Ministry was afraid that if this meeting be successfully held, the days of the Ministry might be numbered and their death might be hastened So they were determined that this meeting should not be held. On the 27th May, Mr. Mandal went to Malikhali and held a meeting there In that meeting he made propaganda that the meeting should be postponed He also went to Mollahat and held a meeting there. The number of the audience in that meeting was very few. In that meeting he expressed the view that the meeting should be stopped or at least postponed at any cost, as Government were anxious to stop the meeting. I make bold to say, Sir, that Government were guilty in banning the conference, that was going to be held, on the day previous to the day it was proposed to be held. This action on the part of Government was quite unjustified I do not know how long this Government will last. I think that their days are numbered.

With these few words, Sir, I like to support the adjournment motion and condemn the action of Government.

Dr. NALINAKSHA SANYAL: Mr Speaker, Sir, I rise to support the motion moved by my esteemed friend Sj. Narendra Nath Das Gupta. The

resolution given notice of raises certain very vital and important problems. The issue is one, but the main problems are two. The first is the question of banning the Hindu conference proposed to be held in a village at Bakarganj and the second, the more important problem, is the trampling down of civil liberties by the issue of a peremptory order suspending or prohibiting meeting and assemblies of persons more than five in four districts of the province.

Sir, when the present Ministry took office more than a year ago, we were given to understand that whatever may happen Sir Nazimuddin's ministry would at least work conscientiously and sincerely to maintain civil liberties and to see that the rights of the people in regard to meetings and assemblies may not be tampered with lightly. And yet, Sir, we find that on grounds which hardly permit of any justification the Government have issued an order on the 1st June prohibiting the holding or taking part in any public meeting, procession or assembly consisting of more than five persons in one subdivision of Khulna, another subdivision of Faridpur, another subdivision of Barisal and in three subdivisions of the Jessore district.

Curiously enough, Sir, in one of the subdivisions mentioned in the notification, I had been present on the day of the notification, attending a meeting over which the Subdivisional Officer himself was presiding. The meeting was in connection with food question at one of the important towns within the Jhenidah subdivision, a constituency of mine; and little did we know, when we were discussing certain important points, that we were doing something against the law of the land. And I believe, Sir, the Subdivisional Officer himself did not know that such an order had been passed by Government over his head and without his actually requisitioning for an order of that character.

Sir, the Hindu Conference was proposed to be held not as a protest against certain action of Government. It was a conference proposed to be presided over by a very sane person, namely, the Maharajadhiraja Bahadur of Burdwan, and the main subjects for discussion were proposed to be social uplift work of those classes of Hindus who are ordinarily termed as Scheduled Castes. (Mr RASIK LAL BISWAS: The organisers were not safe.) Sir, the enthusiastic Mr. Biswas in his usual good humour says that although the object of the conference might have been innocuous the organisers were not safe enough. One of the organisers, as far as I am aware, was Mr. P. R. Thakur, one of the prominent members of this Assembly, and he may be a rival in the constituency of Mr. Rasik Lal Biswas, but there is no reason why Mr. Biswas should feel so nervous and he and his present chief Mr. Mandal should be going towards that area and trying extra legal means to see that the organisation is frustrated.

Sir, we on this side strongly protest against the nature of the order issued and particularly in the manner in which the civil liberties of the people are sought to be trampled down by the present Ministry.

Babu KSHETRA NATH SINCHA: Sir, only two minutes by way of a personal explanation. I must clear myself.

Mr. SPEAKER: No, no. Yes, Mr. Patiram Roy.

Mr. PATIRAM ROY: মি: স্পীকার, স্যার, বরিশালের অন্তর্গত লড়া নামক স্থানে ৩রা ও ৪ঠা তারিখে যে conference হবার কথা ছিল সেই conferenceটা বাংলার তথাকথিত অনুন্নত জাতির মধ্যে, তাঁদের সামাজিক শিক্ষা দীক্ষা প্রভৃতি উন্নতি সাধনকল্পে প্রয়োজনীয় বিষয় আলোচনা হবে বলে পূর্ব্ব থেকে প্রচারিত করা হয়েছিল। এই সম্মেলন অনুষ্ঠিত হওয়ার কথা যে সমস্ত কাগজপত্রে প্রকাশ করা হয়েছিল তাতে এই কথাই পরিষ্কার করে বলা হয়েছিল যে কি প্রকারে অনুন্নত জাতির সামাজিক এবং শিক্ষারউন্নতি হতে পারে তাহাই এই

সম্মেলনে আলোচনা করা হ'বে। এ ছাড়া আর কোন [illegible] নিরস কচকচানির কথা তাতে ছিল না। এই প্রকার conference তপশীলভুক্ত তথা অনুন্নত জাতির পক্ষে নূতন নহে। যেদিন থেকে অনুন্নত হিন্দু জাতির মধ্যে জাগরণের সাড়া এসেছে সেইদিন থেকে তাঁদের মধ্যে তাঁদের উন্নতির জন্য এমনিভাবে তাঁরা সম্মেলন করে আসছে।

আজ এই যে সম্মেলন হতে যাচ্ছিল, তাতে সভাপতি নির্ব্বাচন করা হয়েছিল বর্দ্ধমানের মহারাজাধিরাজ শ্রীযুক্ত উদয়চাঁদ মহতাব বাহাদুরকে। এটাও কিছু নূতন নহে। কারণ, বরাবরই দেখা গিয়াছে যে যখনই তপশীলভুক্ত জাতির উন্নতিকল্পে তাঁদের শিক্ষা বিস্তারের জন্য, তাঁদের সামাজিক উন্নতির জন্য কোন সম্মেলন বা সভা-সমিতি আহ্বান করা হয়েছে—তখনই এমনিভাবে তাঁরা, দূরবর্ত্তী স্থান হতে কোন শিক্ষিত দেশহিতৈষী, বড় লোককে তাঁদের সম্মেলনের সভাপতিরূপে আহ্বান করেছেন।

এই সম্মেলনের প্রধান উদ্যোগী ছিলেন বাংলা দেশের তপশীলভুক্ত জাতির অন্যতম নেতা মাননীয় মিঃ পি. আর. ঠাকুর। তিনি তপশীলভুক্ত জাতির কেহ নহেন; এবং তিনি বা তাঁর বংশধরেরা কখনও তপশীলভুক্ত সম্প্রদায়ের উন্নতির জন্য কিছু করেন নি একথা তাঁর শত্রুরাও বলতে পারেন না। কাজেই তিনি যে conference করতে যাচ্ছিলেন সেটা আমরা ধরে নিতে পারি যে, তপশীলভুক্ত জাতির সামাজিক শিক্ষা দীক্ষা বিষয়ে উন্নতি সাধনকল্পে, তা ছাড়া আর কিছুই নয়।

যে সময় এই conference হতে যাচ্ছিল ঠিক সেই সময় খুলনা জেলার বাগেরহাট গ্রামে একটা দাঙ্গা হাঙ্গামার সৃষ্টি হয়। খুলনা জেলায় প্রতি বৎসরই জমি জমা নিয়ে এই প্রকারের মারামারি, দাঙ্গা হাঙ্গামা হয়ে থাকে; এবং সেখানকার এটা নিত্যনৈমত্তিক ব্যাপার বললেও অত্যুক্তি হয় না। যতদূর আমার মনে আছে, আমি স্বচক্ষে দেখেছি এবং জানি যে খুলনা জেলাতে চাষীরা যখন মাঠে চাষ করে তখন তারা হিন্দু মুসলমান চাষী প্রত্যেকে ভাই ভাইয়ের মত চাষ করে। তারা এক ক্ষেতের জল আর এক ক্ষেতে নিয়ে গিয়ে চাষ করে, আবার সামান্য ব্যাপার নিয়ে তাদের মধ্যে দাঙ্গা হাঙ্গামার সৃষ্টি হয়। আবহমান কাল থেকে আমরা দেখে আসছি সামান্য জমি নিয়ে, আল নিয়ে হিন্দু মুসলমানের দুই পক্ষের মধ্যে মারামারি দাঙ্গা হাঙ্গামা হয়েছে,—আবার হিন্দু মুসলমান সকলে মিলে মিটমাট করে দিয়েছে। যেটা নিজেরা মিটমাট করতে না পারে সেটা S. D. O. বা district courtএ বিচারে সাব্যস্ত হয়, তাহাই অবনত মস্তকে মানিয়া লয়। এবং তারা ভাই ভাইয়ের মত বসবাস করতে থাকে। তারা দাঙ্গা করে, মারামারি করে হিন্দু মুসলমান শত্রু হিসাবে না। দাঙ্গা করে জমি নিয়ে, নিজ স্বার্থ নিয়ে। এটা হিন্দুতে হিন্দুতেও হয়। মুসলমান মুসলমানেও হয়। মোড়লেরা যখন মীমাংসা করে হিন্দু মুসলমান নির্ব্বিশেষে। মোকদ্দমা করে হিন্দু মুসলমানকেও সাহায্য করে, মুসলমান হিন্দুকেও সাহায্য করে। এই যে একটা মিথ্যা, ভুয়ো, বাজে অজুহাত নিয়ে তপশীলভুক্ত জাতির শিক্ষা এবং উন্নতির পথে বাঁধা দেওয়া হ'ল, ইহাতে সমস্ত তপশীলভুক্ত জাতির বিবেচনা করা উচিত যে বর্ত্তমান গভর্ণমেণ্ট তপশীলভুক্ত জাতির উপর কত বড় একটা অবিচার করে ফেললেন।

আজ খুলনা জেলায় এই যে সাম্প্রদায়িকতার ভাব দেখা যাচ্ছে তার জন্য দায়ী কারা? আমি বলবো বর্ত্তমান গভর্ণমেণ্ট। কারণ আমি যতদূর জানি এর পূর্ব্বে খুলনা জেলায় কখনও সাম্প্রদায়িকতার ভাব ছিল না। হিন্দু এবং মুসলমান কখনও কখনও মারামারি করতো বটে, কিন্তু ..... (At this stage the red light was lit.)

Mr. SPEAKER: Your time is up. I cannot allow you to go on.

Babu KSHETRA NATH SINGHA: মাননীয় স্পীকার মহোদয়, আমার বন্ধু নরেন্দ্র নাথ দাস ও বাবু উপেন্দ্র নাথ এড়ুবার মহাশয় বলছিলেন আমি একজন মন্ত্রীর সঙ্গে

গিয়েছিলাম। আমার কথা হচ্ছে "দত্ত কারো ভৃত্য নয়, সবার সঙ্গে আসে" (cheers and jeers)। আমি সেখানে Scheduled Castes propaganda করতে গিয়েছিলাম তার ফলে আমার অপরাধ হয়েছে। আমি Vice-President of Scheduled Castes. সেখানে গিয়ে রাস্তায় দেখলাম দুই ধারে হিন্দু-মুসলমান লোক লাঠি সোটা নিয়ে দাঙ্গা হাঙ্গামা করতে চলেছে। হিন্দু মুসলমান মিলিত ভাবে, বন্ধুভাবে থাক, এইটাই চেয়েছিলাম—তা ছাড়া আমার অন্য কোন প্রস্তাব ছিল না। আমি অসৎ কিছুই বলিনি। কিন্তু নরেন বাবু বললেন—"গেল রাজ্য, গেল মান"। আমি তার উত্তরে বলছি "হিন্দুর দুর্গতি মূলে, দুর্ম্মতি হিন্দুর; প্রায়শ্চিত্ত অন্তে দুঃখ দৈন্য হবে দূর।" আজ আপনারা যে অপরাধ করেছেন সেটার প্রায়শ্চিত্ত না করলে হিন্দুর দুর্দ্দশা দূর হবে না। প্রায়শ্চিত্ত আপনাদের করতেই হবে। আমি কেবল এইটুকুই বলতে চাই। গভর্ণমেণ্ট কি করবেন না করবেন, সেটা আমার concern নয়। আমাকে অযথা এর মধ্যে নিয়ে ফেলা হয়েছে। আমি মাত্র social purpose নিয়ে সেখানে গিয়েছিলাম, এইটুকুই আমার বলবার কথা।

Mr. SYED BADRUDDUJA: Mr. Speaker, Sir, I would not have intervened in the debate but for the fact that the recent orders of the Government banning the conference at Lora is an encroachment upon the civic liberties of a section of the people. I personally feel that any such encroachment is opposed and resented by all sensible people in the world. Sir, today I feel it all the more because my esteemed friend Mr. Gholam Sarwar has rightly pointed out that the same weapon has been used against another organisation as well. We Muslims in this country belong to different political schools of thought but that should be no reason why this Government should apply the same weapon against other Muslims. If we do not subscribe to their political views, there is absolutely no reason now as there was no reason in the past why they will use that weapon against us. So I protest emphatically against this encroachment upon the civic rights of a section of people. As has already been pointed out by various speakers on this side, the scene of the disturbance in Khulna district was far away from the venue of the conference. (A VOICE: Question) I will not go into details. I am only pointing out most respectfully that the scene of the disturbance was far away from the venue of the conference. There was no likelihood of any danger, specially when a personality of the position and outlook of the Maharajadhiraj of Burdwan was to preside over the conference. Unfortunately for the Ministry itself throughout the country there is a volume of discontent against them at the present moment, not from the Hindus alone but also from a large section of Muslims. This Ministry has forfeited the confidence not only of the Hindus but also of a large section of Muslims because of the hymn of hatred they have preached from time to time. It is most inconsistent, it is most incompatible with their professions, with their assurances given from time to time to hold a conference at Dinajpur, at the same time trying to ban the conference in Barisal. Sir, nothing is incongruous, nothing inconsistent either in their psychology to wage war against the Muslims who do not belong to the Muslim League! They go to the length of saying that they are not Muslims at all. However indiscreet they might be, however politically retrogressive they might be in their tendencies, whatever might be their antecedents, whatever might be the questionable tactics adopted by them, the fact remains that they will not allow any Muslim of any other persuasion than the Muslim League to express their views freely. It is a curtailment of our rights; it is an encroachment upon the civic liberties of the people. Therefore, any sensible man must have to oppose it in the interest of peaceful future evolution of this country. Sir, if the character of a Government is to be judged, it is not to be judged by its nefarious activities, but by the healthy tone it introduces in the administration; the character of a Government is to be judged by the facilities and opportunities it provides to all sections of the people

in the Provin . character of a Government is to be judged by the way in which it represents the viewpoints of the various sections of the people; the character of a Government is to be judged by its capacity to hold the scales even between the different communities, to whatever schools of thought they might belong; the character of a Government is to be judged not by the inefficient handling of the situation in the country which may land the Province into a disaster; the character of a Government is to be judged not by the crude primitive methods they are adopting; the character of a Government is not to be judged by its methods to curtail the liberties of the people, or to check freedom of expression of opinion. In the name of liberty and in the name of freedom of expression of opinion, it is necessary that this lawlessness, this reign of terror which is being introduced in civilised society, in the name of democracy, in the name of maintenance of law and order, should be resisted; it should be opposed and resented with all the vehemence. I would appeal to my friends over there once again to realise the dangerous implications of their action. I hope honourable members, some of them are perhaps better than ourselves in political wisdom and experience, will consider the real implications of the dangerous move they are taking. The tables might be turned any moment. The tables have been turned in the past. The tables have been turned in the past through the blessings of Sir John Herbert. The tables were turned in their favour, but through the blessings of a mightier power, infinitely superior, infinitely wiser, perhaps the tables may be turned against them. Their political manœuvrings, their wire-pullings, their dishonest conspiracy to crush and thwart the susceptibilities of the people, to crush free expression of public opinion may recoil upon them with all the vehemence, with all the force It does no credit to the intelligence, to the statesmanship, to the vision and imagination of Sir Nazimuddin—if he possesses any—to precipitate action, to complicate the situation, to create troubles amongst Hindus and Muslims at this critical juncture In the name of law and order, they are introducing a reign of lawlessness, in the name of democracy they are trying to introduce a state of things which is a negation of all established principles of democracy.

Sir, with these few words, I want entirely to associate myself with the adjournment motion that has been moved from this side of the House so that the civil liberties of all sections of the people might be safe from the depredation, from the encroachment of a hostile majority which is trying to thwart the aspirations of the people.

The Hon'ble Mr. JOGENDRA NATH MANDAL: Mr. Speaker, Sir, it has pained me much to listen to the speech that was delivered by Mr. Narendra Nath Das not because his speech was full of insinuations and aspersions but because his speech was full of false statements and incorrect statements Sir, the time at my disposal is very short. Therefore it will not be possible for me to explain all that has happened during the last week.

Now, Sir, one thing will be clear from the leaflets that were issued by the organisers and convenors of the Hindu conference. Mr. Das has said in his speech that the object of the conference that was to be held at Lora was to bring about unity amongst the different sections of the Hindu community and to promote educational and social interests of the Hindu community. In the speech he has said that there was no intention on the part of the organisers and convenors of the conference to pick a quarrel with any other community. Sir, I will read one passage from one of the leaflets. It runs like this.

....আমরা যে প্রাচীনতম সনাতন ধর্ম্মের বংশধর তাহার গৌরবোজ্জ্বল ইতিহাস আমরা প্রায় বিস্মৃত হইয়াছি। আজ অন্য ধর্ম্মাবলম্বীগণের নিদারুণ কশাঘাতের ফলে আমাদের মধ্যে নূতন চেতনা ও প্রেরণার সঞ্চার হইয়াছে। আমাদের সম্মুখে প্রধান সমস্যা, আমাদের সুপ্ত

ক্ষাত্রবীর্য্যকে উদ্বুদ্ধ করা এবং এক অবিচ্ছিন্ন সুশৃঙ্খলিত, একই আদর্শ দ্বারা আসে" (হাস্য) জাতি হিসাবে নিজদিগকে গঠন করিয়া তোলা।

Sir, they have tried to rouse the Hindu community against those who do not profess the Hindu religion. Then, Sir, when it was published in the *Amrita Bazar Patrika* that a Hindu conference was going to be held at Lora and a reception committee was formed with Mr. P. R. Thakur as Chairman, one day I saw Mr. Thakur and asked him what was the object of the conference. He told me that the Maharajadhiraja Bahadur of Burdwan and Dr. Mookerjee have proposed that a military college should be established at Lora. (Cries of "hear", "hear" from Opposition benches.) This was the reply given by Mr. Thakur.

I come to another point. Who were the real organisers of the conference? The organisers of the conference were a large number of Hindu Mahasabha workers and many of the Secretaries of district and subdivisional Hindu Sabhas assembled there and they sent up their workers to different villages and different parts of several districts. Sir, on behalf of the Scheduled Castes there were a handful of Namasudra people of Lora village alone except Mr. P. R. Thakur of Faridpur and Mr. Upendra Nath Edbar of Pirojpur. A leaflet was issued containing over 100 names but 90 per cent. of the names were given without the knowledge and consent of those whose names appeared in the leaflet. Rai Sahib Lalit Kumar Bal, whose name has been used because he is a local leader, came to Malikhali where I went to visit a high school and I took the Special Officer, Scheduled Castes Education, in order that he may be conversant with the difficulties of the school authorities and I went to Digdha to inspect another newly-started high English school organised by Namasudras so I took the Special Officer with me. In that meeting at Malikhali Rai Sahib Lalit Kumar Bal delivered a speech and he expressed his strong resentment against this conference but his name was used in the leaflet. Then, Sir, one Rajendra Nath Malakar, who is a pleader of Bagerhat and a leader of Mollarhat thana, his name was included in that list. He went with me in the same steamer and he handed over to me a letter expressing his resentment and asking my advice as to what he should do in the matter. Then, one Bhabani Sankar Gain, who is a leading gentleman of Mollarhat thana, his name is there. He wrote me a letter asking my direction and he asked me to attend a meeting at Mollarhat the object of which was to oppose this conference. Then Babu Narayan Chandra Bala, head master of Salpar high school, wrote me a letter also in a similar manner asking my advice as to what he should do in the matter. His name also has been used without his knowledge and consent. In this way hundreds of names from different parts of four districts were used. Moreover most of the names are not of Scheduled Castes but of Caste Hindus.

Now, Sir, another point I should make clear and that is that the locality was selected with the one object and that object was that the locality was a hotbed of riot at regular intervals and that was a junction of four districts, and if a conference of that nature could be held and the Namasudra people could be roused against other communities, the object of the Hindu Mahasabites would be fulfilled. That was the only object and there can be no other object. For the last four thousand years we have been kept untouchables and our Caste Hindu brethren never felt for us and never made any attempt to uplift us and now that Government have given us Rs. 5 lakhs for education they have found it a suitable time to go to Lora and establish a college there which is not at all necessary.

Another word, Sir, and I have finished. My friend Srijut Narendra Nath Das Gupta has called me উচ্ছিষ্ট ভোজী। If I have been an উচ্ছিষ্ট ভোজী, his leaders Dr. Syamaprasad Mookerjee, Mr. Pramatha Nath Banerjee and Mr. Santosh Kumar Basu, when they were in office and made alliance with the Muslim League, they also were greater উচ্ছিষ্ট ভোজী। Muslim League is a most powerful and prominent organisation in India and I have

not felt any hesitation in making alliance with that organisation. My honourable friends have called me উচ্ছিষ্ট ভাত but in that respect they are our leaders, they are our eye-openers. They have made alliance with the Muslim League first and they took উচ্ছিষ্ট before we took.

With these words, Sir, I oppose the resolution.

Babu ASHUTOSH LAHIRI: Mr. Speaker, Sir, I rise to support the adjournment motion that has been moved by my friend Srijut Narendra Nath Das Gupta. Sir, it is surprising that the Government should have thought fit to ban a Hindu conference which was primarily intended for the social uplift of the Scheduled Castes. Here in this conference, we decided to meet as Hindus—we the high caste and Scheduled Caste Hindus, the poor and the rich Hindus, the uneducated and the educated Hindus—to discuss about our common problems—problems which were principally of a social, economic and educational character.

Sir, this proved to be too much for some of our Scheduled Caste members, particularly for Mr. Mukunda Behary Mullick and Mr. Jogendra Nath Mandal. Sir, they became apprehensive lest they should lose their hold on their illiterate brethren, lest their selfish exploitation of the ignorance of their backward people would be exposed in its nakedness and the pernicious propaganda they were carrying on for disruption of the Hindu society would receive a setback. So they began to strain their every nerve for making the conference a failure. Letters were sent to leading people asking them not to join the conference, emissaries were sent out for carrying on hostile propaganda, and when all these miserably failed to alienate the sympathy of the Namasudra population, the Hon'ble Mr. Jogendra Nath Mandal took the field himself, visited the area, addressed three public meetings in Matibhanga, Malikhali and Birgha each within two miles of the venue of the conference. At each place, he openly asked the people to oppose holding of the conference. Sometimes he threatened, sometimes he offered tempting inducements. To the student community his bait was that he would provide for them stipends on a liberal scale for their college education. Do they not want Government service? Have not the Government sanctioned five lakhs of rupees for Scheduled Caste education? Why should they then join this anti-ministerial conference? To the Managing Committee of the high English schools in this area, he promised liberal financial grants every month, if they kept aloof from this conference. Sir, he was accompanied by the Special Officer for Scheduled Caste education in order that his promises may be confirmed by that officer. Sir, the Special Officer was thus utilised by the Hon'ble Minister for serving a purely political purpose. I think, Sir, this is an unprecedented thing in the administration of this province and requires to be properly looked into. Sir, in those meetings, Mr. Mandal swore that he would see, so long as there was flesh and blood in him, that this conference would never be held. When in the meeting at Dirgha one gentleman protested against his anti-conference propaganda, Mr. Mandal loudly abused him and publicly asked the people to assault him. This was the conduct of a responsible Minister of the Crown. Sir, a good deal of the public money was thus diverted for enabling the Hon'ble Minister to carry on a shameless propaganda against his political opponents.

Sir, I feel that the order banning the conference was dictated purely by political objectives and had not the slightest justification in view of the perfectly calm and harmonious situation prevailing in the areas surrounding the venue of the conference. Sir, the Government notification refers to the existence of communal tension in certain areas of the neighbouring districts. I maintain, Sir, that this is untrue. Leaving aside certain localised areas in Mollahat thana of the Khulna district I know of no other areas in that district or in the districts of Barisal and Faridpur which are the two adjoining districts where any communal tension existed.

Sir, I recently paid a visit to these areas and had opportunities of studying the situation at first hand. I challenge the Government to place before the House any instances of communal disturbances or communal tension in the districts of Barisal or Faridpur.

Sir, coming to the disturbances in the Mollahat thana itself, I may say that this area has been notorious for disputes between Namasudras and Moslems for a very long time. During the last three years there have been at least four such clashes involving loss of human lives and destruction of property. But these disturbances have always been primarily of an agrarian character. It will not be correct to say that they were in any way communal. Sir, this time also the origin of the disturbance was purely agrarian. As in the previous years the riot also was confined to particular localities affecting half a dozen villages and never spread to distant areas.

Sir, this riot started on the 25th May in village Basuria which was only 3 miles distant from the Mollahat thana over disputes regarding possession of lands. The officer in charge of that thana immediately wired to the District Magistrate for help. The District Magistrate came to the place in a special launch on the 26th accompanied by the Superintendent of Police and armed forces. Thousands of people were assembled in militant mood in villages Seramkandi and Demdanga and he took no steps whatsoever for persuading the crowd to disperse. On the other hand thousands of these people crossed the river early in the morning of 27th under his very eyes while his launch was at anchor in Baragania. He did not oppose them and remained a silent spectator. While these men started their attack on the village Barabaria and began burning houses, people ran to him for help but he preferred to remain impassive to all such appeals. His place was only one and a half mile distant from Barabaria. From 11 a.m. to 3 p.m. the riot continued and the work of destruction went on. Sir, this guardian of law and order was largely responsible for the destruction that was wrought on that day. Sir, my definite charge is that it was in fact with his connivance that the riot was renewed on the 27th in the village Barabaria. Sir, the House has a right to know why the head of the district being so close to the place of occurrence and having been informed in time, failed to take any action. Sir, we all deplore very much the heavy loss of lives and destruction of property on that day, but the responsibility rested entirely on the District Magistrate.

Now, Sir, this place was at least eight miles distant from Lora, the venue of the conference which was in Barisal district and was separated by a big river. The disturbances terminated on the 27th May and gave no indication of spreading to fresh areas. Where then is the justification for issuing this ban on the 1st June when the situation has calmed down and when even the local authorities did not apprehend any further trouble. Sir, we know this ban was imposed by the Provincial Government without any reference to the opinion of the local authorities.

Sir, the order banning the conference was served on the Secretary of the conference at 5 p.m. on the 2nd June when five thousand people from distant areas had already assembled at the place and thousands of rupees have been spent by the local people for the success of the conference. It is a most reprehensible thing for a Government to create such an amount of chaos and confusion by an Executive fiat which led to such heavy wastage of money and human efforts.

(At this stage the honourable member having reached the time-limit resumed his seat.)

Mr. A. K. FAZLUL HUQ: Mr. Speaker, Sir, the question raised by the motion before the House is of considerable public importance. As a matter of fact, the rules permit members of this House to bring up for discussion matters of the character which raise issues of considerable constitutional importance affecting the lives, liberties and privileges of

the people. From that point of view, I am afraid that many of the speeches that have been delivered this afternoon were irrelevant to the point at issue.

The point at issue is whether the Bengal Government were justified in putting a ban on certain meeting which had been advertised from before, and whether this Government was justified in doing this by means of a notification in an extraordinary issue of the gazette and almost springing a surprise on the organisers, in the circumstances to which I am going to draw the attention of the House. If His Excellency the Governor is ever pleased to read the proceedings of this House, I would request His Excellency to look at the action of the Bengal Government—to which, I hope, His Excellency is not a party—from the point of view that this action was taken by the Ministers at headquarters without any request being made by the local officials. I had been to Barisal lately and I had to pass through Khulna on my way back to Calcutta. I say this without any fear of contradiction that neither the District Magistrate of Bakarganj nor the District Magistrate of Khulna, nor the Subdivisional Officer of Perojpur nor the Subdivisional Officer of Bagerhat did ever entertain the slightest apprehension that there would be any menace to public peace and tranquillity if the conference at Lora had been allowed to be held. The Ministers were not acting on the recommendations of the men on the spot. In India we hear so much of the importance of the man on the spot. Whenever the Government are brought to a tight corner for any action taken, they say that they had no other alternative but to take that course because the men on the spot who were responsible for the peace and tranquillity of the locality had asked them to take that action. In this particular case I ask His Excellency the Governor to read the proceedings of this House and to take into consideration the fact that the local officials never wanted this order to be passed and the Ministers did it on their own responsibility for their own political and selfish purposes.

Now, Sir, the question that arises out of the action that has been taken is this: Are the Ministers justified to act arbitrarily and to stop people from giving vent to their opinion—political, social, religious or otherwise—simply because it pleases their whims to do so? After all, this Ministry has been doing most extraordinary things. They began by blowing trumpets that they were going to enlarge the bounds of human freedom and to bring in an atmosphere of peace and tranquillity in the land. But, Sir, they began by gagging the press, issuing strict orders to the Press Censor not to allow even the proceedings of this House to be published in the public newspapers if it did not suit their fancy or if it reflected even in the least on their policy and on their action. Not content with that, they wanted to stop newspapers by asking the editors to submit their editorial writings to the Press Censor before publication. Not content with that even, they interfered with public meetings. And now, Sir, on the top of all these when in Bengal the freedom of the press, the freedom of speech and freedom of every kind has been taken away, these gentlemen calling themselves Ministers and advisers of the Governor suddenly took it into their heads to print an extraordinary issue of the Gazette, putting a ban on a meeting in the Barisal district. I submit, if this action had been taken on the recommendation of the local officials, there might have been some justification for it. After all, the Executive Government have got the right to put a stop to public assemblies if they are convinced that such assemblies might disturb public peace and tranquillity. But in this particular case, not only has there been no request from the local officials but I met some of the officials themselves who expressed their surprise that this order should have been passed by the Bengal Government without even consulting them as to whether this order should be passed or not. (Cries of "Shame", "shame" from the Opposition benches.)

Sir, I would not take much time of the House. I say it hundred times that I request His Excellency the Governor to ask his so-called advisers

as to what right they had to put His Excellency himself in a false position. After all, this Government is his Government. It is not the Government of his so-called Ministers who are mere puppets. It is the Government of the Governor. For everything the Governor is ultimately responsible. I hold the Governor responsible for this illegal order that has been passed because it was issued in his name. The man in the street will not take even two minutes to consider that this is a puppet Ministry and they will think that the Governor should have asked these gentlemen as to what business they had to pass such an order which puts him forward as an unconstitutional Governor and which attributes to him an action which can never be justified by any sensible man. (Interruptions from the Government party benches.) I am talking of Governors, I am not talking of *chunaputhis* like you.

Now, Sir, either the Governor knew that this order was going to be issued or he did not. If he was not informed and these Ministers took action on their own motion, it is time that the Governor should assert himself either by taking action against the Ministers or by putting a similar ban on their actions. What I want is that the Governor should assert himself. (Interruptions from the Government party benches.) Many Governors and Viceroys have known me. You need not bother about that.

Now, Sir, let me sum up. The men on the spot never wanted the order to be passed. I have said two or three times, and I say it over and over again: the District Magistrate of Barisal never wanted it; the Subdivisional Officer of Pirojpur did not want this order; the Subdivisional Officer of Bagerhat did not want it. (Mr. SYED MUSTAGAWSAL HAQUE: Yes, he wanted.) I know what he wanted. The District Magistrate of Khulna did not want it. (Nawabzada K. NASARULLAH: It is your idea.) Prince Nasarullah says, it is my idea. The Governor can look into the papers and he will then know. As I have said, either the Governor's consent was taken before this order was passed and the Gazette notification was issued, or his approval and consent had not been taken. After all, the order seems to have been passed without the approval and consent of the Governor, and it is for the Governor to decide what to do. So far as we are concerned, we think that if these things have happened without the consent and approval of the Governor, it means an abdication of the functions of the Governor to a set of irresponsible people who have rendered themselves a disgrace to humanity, a disgrace to society, and have therefore no constitional right to be where they are and they should be driven out at the very moment. (Loud applause from the Opposition benches.)

(At this stage the member having reached the time-limit resumed his seat.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am really obliged to the Leader of the Opposition for making the issue clear and I accept his challenge. I maintain that the reports from the officers were of such a character that Government had no option but to pass this order. What is more, Sir, it is very unfortunate that he has referred to what advice these officers have given and, therefore, I am constrained to say also that the Superintendent of Police of Bakarganj was strongly of opinion that the conference was likely to have very serious results with terrible loss of life and property——

Dr. NALINAKSHA SANYAL: On a point of order, Sir. If any document is to be read——

Mr. SPEAKER: He is giving certain facts. Sir Nazimudddin, please do not read from the file.

Mr. A. K. FAZLUL HUQ: We do not believe what he says.

Mr. SPEAKER: I have already asked him not to give details.

Dr. NALINAKSHA SANYAL: Sir, he has been reading and we are entitled to have the whole of the statement.

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, I am quite prepared to read the whole thing.

This is the report from the Superintendent of Police of Barisal to Deputy Inspector-General, Intelligence Branch, dated the 28th May, 1944.

A petition was received from the District Magistrate of Barisal from the local Hindu Mahasabha, dated the 28th May, 1944, asking for permission to hold a Hindu Mahasabha conference at Lora, police-station Nazirpur, in this district. As we have nothing to say against such a conference on the face of it, the undersigned has returned the petition to the District Magistrate with the remark that if permission is accorded, the conveners might be asked to give full facilities to the police officers to take down notes of proceedings. At the same time, however, the undersigned feels that it will be impossible to allow the conference now at the spot selected.

There is a separate confidential demi-official to the District Magistrate for consideration and advisability of holding the conference. This was put up to the District Magistrate. He has not been favoured with a copy of the permission granted fo the President to hold the conference——

Dr. NALINAKSHA SANYAL: Hear, hear.

Mr. SYED BADRUDDUJA: The cat is out of the bag.

The Hon'ble Khwaja Sir NAZIMUDDIN: This was before these incidents.

(Interruptions from the Opposition benches.)

Mr. SPEAKER: You demanded the thing and he is reading out the thing.

Dr. NALINAKSHA SANYAL: He has been found out. He has been badly let down by his Secretary.

The Hon'ble Khwaja Sir NAZIMUDDIN: That permission was granted before these incidents took place. (Cries of "No", "no" from the Opposition benches.) Yes, permission was granted before the incidents took place. That is not all. The reports from the District Magistrate of Jessore and the Superintendent of Police of Jessore showed—(Interruptions from the Opposition benches.) Sir, I do want your protection. This is a most important matter.

Mr. SHAMSUDDIN AHMED: What was in the district of Dinajpur?

Mr. SPEAKER: I do not like that there should be interruptions like this. Let the Chief Minister speak.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, if the honourable members would like really to understand the situation, they must realise that this conference was going to be held at a place which was at the junction of four districts—Jessore, Khulna, Faridpur and Bakarganj.

Sir, the Leader of the Opposition is a gentleman who has today talked about civil liberties. Public meetings and procesessions were banned all over Bengal during his régime. Under our régime we have lifted the ban and public meetings and processions can be held without permission. Civil liberties have been allowed under our régime and not under the régime of the Leader of the Opposition.

(At this stage Mr. A. K. Fazlul Huq stood up and said something amidst loud noise and interruptions from the Coalition benches.)

It is time he learnt what he did and what we did. It is no use getting excited and shouting.

Sir, nobody knows this better than the members who are occupying the Official Congress benches and who have time and again admitted the fact that civil liberties under this Government have been permitted which were not done under any other Government. I am rather surprised that of all persons Dr. Sanyal should have got up and protested against banning of meetings for only 14 days from the 2nd to 15th June. In the notification it is said that meetings are banned for 14 days. I ask him whether under the Congress régime during the riots in Bombay, United Provinces, Bihar and Madras, section 144 was promulgated in the disturbed areas or not. When there is communal tension, when there is an apprehension of riots, Government has got no option but to stop meetings for the time being. (Rai HARENDRA NATH CHAUDHURI: But hold Pakisthan meetings.) If we had banned them for an unlimited period, I could have accepted Dr. Sanyal's criticism. But I am surprised that when it is for a definite period and when it is only confined to 14 days, he of all persons should have come forward with this criticism. It is in force in seven subdivisions out of fifty to sixty subdivisions—we have not done it all over Bengal. I am surprised that you should mislead the Hindu public in this fashion. Look at what Dr. Syamaprasad Mookerjee has said. He said that this trouble took place a long way from the place where the conference was going to be held. What is this long distance? Four to six miles. I will not take it to be two miles. According to the official report, it is six miles. I have got the report of the District Magistrate of Khulna in which he says at the time of the occurrence while the trouble was going on, report came of incidents taking place six miles away. I have got here the report from the District Magistrate of Khulna. During the time of the incident at least 1,000 to 2,000 people crossed the border from the Faridpur district and tried to go and assist the people there. We got a report that a large number of people were excited in the Jessore district. Communal tension in the three subdivisions of Jessore was serious and what is more, the honourable members of this House and the public do not realise how narrowly we escaped from a serious situation there. As I said before, there are four subdivisions where there are a large number of Namasudras and a large number of Muslims living side by side with communal tension amongst themselves. Last time, when I was speaking on a similar subject, according to Dr. Sanyal communal tension was created by his party and the members of the Opposition.

Today, Sir, he is trying to put the blame on this side, but the other day he took credit. He then said, "If you want to stop communal tension, stop the Secondary Education Bill".

Now what was the position? The position was that the District Magistrate of Khulna had requisitioned police in very large numbers from the Presidency Range. The District Superintendent of Police said that his police force had been to Dacca to reinforce the reserve police there and he was in difficulty. At the same time he got a demand from the Jessore district for additional police as the situation there also was very grave. When I got the reports from Khulna I took no action. But when I heard about the reports from Jessore demanding police assistance, it was then that I immediately phoned to Dr. Mookerjee and asked him to see me. He very kindly came up to me and I asked him to kindly stop the conference. I do not like to disclose the private conversation that took place between him and me but he assured me that he would let me have an answer later on in the Assembly. I begged of him to postpone the conference. I said that the situation was very tense. He also admitted this much that apart from the Hindu-Muslim tension there was every likelihood of a trouble breaking out between the two rival parties of the Scheduled Castes there. He also said another thing. He said that he expected a gathering of about 60,000 or a lakh of people and he also admitted that there was

every likelihood of a trouble between the two parties of the Scheduled Castes. (Cries of "No, no" from the Opposition benches.)

Dr. SYAMAPRASAD MOOKERJEE: On a point of order, Sir. The Chief Minister is referring to a private conversation between him and me. If that is allowed, I think I have every right to reply, because he is not representing my views correctly.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I will not say anything more about that. If Dr. Mookerjee says that these are not correct, I hope that portion will be expunged from the proceedings. I do not want to say anything which he says is not correct. He can have his right of reply if he likes. That also I don't mind. But the position is this: I begged of him to stop the meeting. I wired to the Deputy Inspector-General, Presidency Range, to come down to have a conference. I also asked the Inspector-General of Police to join the conference. The next day there was a conference and in that conference the Deputy Inspector-General of Police, Presidency Range, the Deputy Inspector-General of Police, Bakarganj Range, the Inspector-General of Police, the Additional Secretary, the Commissioner of the Presidency Division and the Chief Secretary were present. They were unanimously of opinion—I asked everyone of those officers and they expressed this view—that they could not take the risk of allowing the conference to go on and that this conference should be stopped. Apart from the Hindu-Muslim tension there was every likelihood of trouble between the Scheduled Castes themselves, and had there been trouble simultaneously in the four districts, viz., Faridpur, Bakarganj, Jessore and Khulna, it would have been extremely difficult, almost impossible, at that time to cope with that trouble with the police force that we had then at our disposal and there might have been most serious consequences. The Hindu public knew that if a conference of that kind was allowed to be held, there was every chance of a serious outburst of communal riot in the four districts mentioned above. These were the circumstances under which this meeting was going to be held.

The President of the conference, the Maharajadhiraja Bahadur of Burdwan also had a meeting with the Deputy Inspector-General without my knowledge and he decided not to come down. I also asked the Chief Secretary to send him a wire. (Cries of "no, no" and "he is misleading by incorrect statements".) (Uproar.)

Sir, regarding the gentleman who is jumping up time and again one thing very unfortunate is that he has used expressions against the officers——

Mr. SPEAKER: The two hours' debate is already over. The motion is talked out.

Adjournment.

The House was then adjourned at 7-30 p.m. till 4 p.m. on Tuesday, the 6th June, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the Provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 6th June, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 12 Hon'ble Ministers and 187 members.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Requisition of the house of Babu Anukul Chandra Sen of Hooghly.

178. Mr. DHIRENDRA NARAYAN MUKHERJI: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact—

(*i*) that Babu Anukul Chandra Sen, B.L., Pleader, Hooghly, was served with a notice under rule 75A of the Defence of India Rules by the District Magistrate, Hooghly, at 5-45 p.m. on the 17th December, 1942, directing him to place his dwelling house wherein he lived, along with the *Takurghar* in which his family idol was worshipped daily, at the disposal and under the control of Assistant Fire Force Commander, Hooghly, on and from the 18th December, 1942, at 11 a.m.;

(*ii*) that Babu Anukul Chandra Sen, B.L., had to leave his house at 10-30 a.m., on the 18th December, 1942, with his family, his furniture, books and other articles;

(*iii*) that his prayer to the District Magistrate to allow him to keep his family idol in a room of the house was rejected; and

(*iv*) that Babu Anukul Chandra Sen, B.L., has not yet received any rent from Government for the said occupation of his dwelling house by the Fire Force, Hooghly?

(*b*) If the answer to (*a*) (*iv*) is in the affirmative, will the Hon'ble Minister be pleased to state as to when he can expect the payment of rent of his house from the Government?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) (*i*) Yes. The requisition order was issued on the 15th December, 1942, and the owner was asked to vacate as soon as possible, preferably within 24 hours.

(*ii*) The owner vacated the house on the 18th December, 1942, at 11 a.m.

(*iii*) No. He was asked to vacate the entire house except the room where the idol was kept which he might have kept under lock and key.

(*iv*) Yes.

(*b*) Payment is likely to be made in course of a month.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether it is a fact that the order was signed by the District Magistrate on the 15th December and served on the 17th December?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us why so much delay of more than one year was taken in the matter of fixing the rent and its payment?

The Hon'ble Mr. TARAK NATH MUKERJEA: As far as I know, there was no other officer except the District Magistrate who had to do the things; hence the delay.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether he is aware that the religious feeling of the Hindus is wounded if the family deity is kept under lock and key, and whether it is a fact that the owner of the house made a complaint to the District Magistrate in this behalf?

The Hon'ble Mr. TARAK NATH MUKERJEA: No such complaint was received.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether it is a fact that within a short-notice of 18 hours the house was occupied and the owner of the house was not allowed to remove his idol from the house?

The Hon'ble Mr. TARAK NATH MUKERJEA: We have no such information.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state why the owner of the house was asked to keep the idol under lock and key?

The Hon'ble Mr. TARAK NATH MUKERJEA: That was done by mutual agreement.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether any Hindu can be a party to keeping the family idol under lock and key?

Mr. SPEAKER: That is a matter of opinion.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state the terms of the agreement under which the owner of the house agreed to place his idol under lock and key?

The Hon'ble Mr. TARAK NATH MUKERJEA: The papers are not at present in my possession. If the honourable member wants further details, I ask for notice.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to enlighten the House whether the owner of the House was forced to leave the House under lock and key, and no agreement was arrived at?

Mr. SPEAKER: That question has already been answered.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether 18 hours' time for the removal of property, family and deity is sufficient?

Mr. SPEAKER: That is a matter of opinion.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if this is one of the numerous cases of houses being requisitioned of persons who were opposed to the nefarious activities of the present Ministry?

The Hon'ble Mr. TARAK NATH MUKERJEA: This occurred on the 15th December, 1942, that is, at a time when this Ministry did not come into office.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if at the period mentioned the present incumbent in the office of the Minister in charge of the Revenue Department was holding the office of the Chairman of the District Board, Hooghly?

The Hon'ble Mr. TARAK NATH MUKERJEA: The District Board has nothing to do with this matter.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the local officials were very much under the influence of the then Chairman of the District Board?

Mr. SPEAKER: That question does not arise.

Mr. DHIRENDRA NATH DUTTA: In view of the shortness of the time allowed in this case to the occupants to vacate the house, does the Government consider the desirability of issuing instructions for giving a sufficiently long time in future?

The Hon'ble Mr. TARAK NATH MUKERJEA: Instructions are being given to allow sufficient time as far as possible.

Complaint of mother of security prisoner Srijut Ramesh Chandra Chakravarty regarding seizure of certain articles by police.

179. Mr. ATUL CHANDRA SEN: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) whether the Government have received a petition from the mother of Srijut Ramesh Chandra Chakravarty, a security prisoner in the Dacca Central Jail, through the honourable member for Dacca East, General Constituency, complaining that some time in December last the police entered her house at Banianagar, Dacca, and forcibly removed all articles including bedding and utensils; and

(*ii*) whether it is a fact that no heed was paid to the remonstrances made by the said widowed lady and her widowed daughter who are the sole occupants of the house?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether Government have made any enquiry into the matter; and

(*ii*) if so, the result of the enquiry?

(*c*) Will the Hon'ble Minister be pleased to state whether—

(*i*) the articles referred to in clause (*a*) (*i*) have been returned to the lady; and

(*ii*) what action, if any, has been taken against the said police officer?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazmuddin): (*a*) and (*b*) (*i*) Yes.

(*ii*) and (*c*) (*i*) The articles were seized in execution of a warrant of attachment as the prisoner was then absconding but they have since been returned to the lady.

(*ii*) As the articles were seized in execution of a warrant of attachment the question of action against the police officer concerned does not arise.

Number of deaths due to diseases in Daudkandi in Tippera and supply of quinine.

180. Mr. RAMIZUDDIN AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government (Medical) Department be pleased to lay on the Table a statement showing separately—

(*i*) the number of deaths occurred within 6 months up till the 30th November, 1943, due to (1) malaria, (2) smallpox, and (3) cholera, in Daudkandi and Homna police-stations in the district of Tippera; and

(*ii*) the amount of quinine that was supplied to the said area within the said period to cope with the malaria epidemic that broke out there?

(*b*) Will the Hon'ble Minister be pleased to state whether Government distributed any quinine in that area within the said period free of cost?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) (*i*) A statement is laid on the Library Table.

	Quinine.		Cinchona.	
	Free distribution.	Sale.	Free distribution.	Sale.
	lbs.	lbs.	lbs.	lbs.
(*ii*) Daudkandi police-station ..	4	10	4	..
Homna police-station ..	..	5	1	..

A total of 24 lbs. of cinchona and quinine, taken together, was supplied to the area during the period in question.

(*b*) Yes: answer to clause (*a*) (*ii*) may be seen.

Supplementary question to unstarred question No. 74.

Mr. NISHITHA NATH KUNDU: (*a*) Will the Hon'ble Minister be pleased to give us the dates of realisation of subscriptions?

(*b*) Will the Hon'ble Minister be pleased to state when the sealed bags were kept in the Sub-Treasury?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) A statement is laid on the Table.

(*b*) On 3rd and 4th November, 1943, and 1st December, 1943.

Statement showing the names and addresses of the donors who subscribed to the Thakurgaon Subdivisional Relief Committee and the dates when the subscriptions were realised.

Name	Address.	Amount of subscription.	Date when realised.
		Rs.	
(1) Uma Ali Sarkar ..	Borakota, P. O. Lahiri	500	24 9-43 and 20-10-43
(2) Ahmed Ali Sarkar .	Harinmari, P. O. Lahiri	500	24-9-43.
(3) Messrs. Mustafa Rice Mills .	Shibganj P. O. ..	500	2-11-43.
(4) Messrs. Jaganath Rice Mills ..	Ditto ..	500	2 11-43.
(5) Messrs. Great India Trading Corporation.	Ditto ..	500	2-11-43 and 11-11-43.
(6) Messrs. Banka Behari and Srimanta Thakur.	Bodgaon, P. O. Barsalipara.	500	1-10-43.
(7) Messrs. Ramrajram Sundarprosad.	Setabganj P. O. ..	1,000	29-9-43.
(8) Ruhea Merchants ..	Ruhea P. O. ..	500	14-9-43.
(9) Mr. Madholal Agarwala ..	Dinajpur P. O. ..	500	30 9-43.
(10) Messrs. Jagannathram Hardeo Prosad.	Setabganj Bazar, P. O. Setabganj.	500	10 11-43.
(11) Gafuruddin and Lal Muhammad.	Charole, P. O. Lahiri ..	500	20-10-43.

STARRED QUESTIONS

(to which oral answers were given)

Supply of paddy seeds to districts of Bengal.

*379. **Khan Bahadur HASHEM ALI KHAN:** (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to lay on the Table a statement showing, district by district—

(*i*) the demand made for the supply of seeds;

(*ii*) the actual quantity of seed supplied to each district; and

(*iii*) its cost price?

(*b*) Will the Hon'ble Minister be pleased to state what per cent. of the demands made for seeds of *aus* and *aman* paddy for the year 1943 has been supplied by Government?

Mr. RASIK LAL BISWAS (on behalf of the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain): (*a*) There was a countrywide demand for *aus* and *aman* seeds. A statement is laid on the Library Table. The demand shown therein represents Government's estimates of the need in each district for *aus* and *aman* seeds.

(*b*) 80 per cent. approximately for *aus* seed and 87 per cent. approximately for *aman* seed.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what does this 80 per cent. for *aus* seeds mean?

Mr. RASIK LAL BISWAS: It means 80 per cent. of the total estimated demand.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the amount involved in this 80 per cent. of the total requirements?

Mr. RASIK LAL BISWAS: It will be found in the statement laid on the Library table.

Dr. NALINAKSHA SANYAL: The statement does not give this figure.

Mr. RASIK LAL BISWAS: The statement in the Library contains the figure.

Dr. NALINAKSHA SANYAL: It does not contain the percentage of supply.

Mr. RASIK LAL BISWAS: It contains the quantity that has been supplied.

Dr. NALINAKSHA SANYAL: I cannot find them in the statement in the Library table.

Mr. SPEAKER: Dr. Sanyal, it cannot be helped if you cannot find them.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state what was the price involved in money for the supply of the *aus* seeds and *aman* seeds separately?

Mr. RASIK LAL BISWAS: I refer the honourable member to the statement laid on the Library table.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister please enlighten the House about the basis of the estimate of the need of each district?

Mr. RASIK LAL BISWAS: It is according to the demand of the people from that district.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister please state how the Government succeeded in securing the estimate of the need in each district?

Mr. RASIK LAL BISWAS: Officers enquired into the matter and they came to a decision.

Mr. SHAMSUDDIN AHMED KHONDKAR: Will the Hon'ble Minister please state whether in preparing the estimate for the district of Faridpur, all the four subdivisions were taken into consideration?

Mr. RASIK LAL BISWAS: I think, yes.

Mr. SHAMSUDDIN AHMED KHONDKAR: Will the Hon'ble Minister please state the percentage of demand and supply of *aus* and *aman* seeds in the four subdivisions?

Mr. RASIK LAL BISWAS: It is already stated in the statement laid on the Library table. Everything is stated there.

Dr. NALINAKSHA SANYAL: With reference to the statement laid on the Library table——

Mr. SYED ABDUL MAJID: Sir, is he entitled to bring that statement?

Mr. SPEAKER: I am considering that question I think the best course would be to place all things on a table here.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, may I—— (Loud noise from the Opposition benches.) Sir, when I talk to you, I should not be disturbed in this way. (Loud noise from the Opposition benches.) Mr. Speaker, Sir, you will kindly take note of these, because things are going beyond limit But I wanted to tell you that what my friend has done is something verging on the criminal. First, papers from the Library table cannot be removed. Secondly, Mr. Speaker, Sir, if you allow the papers to be laid on the table inside the House, it will create unnecessary disturbance, because most of us will go to consult these papers and the work of the House will be disturbed. The convention of all Houses of Parliament is to leave these papers on the Library table of the House, and we have got a Library Therefore, I would earnestly appeal to you, Sir, not to disturb this old convention.

Mr. SPEAKER: Mr Siddiqi, I was considering this question, because it came up on some past occasion, and it appeared to me that the practice is not always uniform. My advice was otherwise. That is why I made the statement here, but as you have raised this point, I will look into the matter more carefully and decide accordingly.

Dr. NALINAKSHA SANYAL: In that connection, Sir, may I enquire if you would also be pleased to consider the desirability of stopping the practice of laying long tables with practically two lakhs of figures on it within half an hour's time at the most on the Library table for members to digest and vomit in the House, and would you insist in such cases that these statements should be furnished and laid on the table of the House?

Mr. SPEAKER: I will look into the matter and do what I consider best.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister please inform the House who were the officials who supplied the data on which the estimate was worked out?

Mr. RASIK LAL BISWAS: Officers of the Agriculture Department. The experts——

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state what is the acreage for which the requirements of *aus* and *aman* crops were calculated?

Mr. RASIK LAL BISWAS: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state in respect of the total quantity of 2,000 maunds for Murshidabad, 2,000 maunds for Khulna, 2,000 maunds for Jessore, for how many bighas of land these respectively were considered necessary for distribution?

Mr. SPEAKER: That question has been answered already.

SJ. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister please state whether the chaukidars in villages do not supply estimates for crops as well as the requirements of the locality?

Mr. RASIK LAL BISWAS: I do not know.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if he is aware that in many of the districts mentioned in the statement the actual practice followed was to pay out cash through the local union board and thana officers and not actual distribution of the seeds in the area?

Mr. RASIK LAL BISWAS: In some places in some districts actually cash was given, and in some places seeds were distributed; the distribution was not uniform everywhere.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state what was the average basis per bigha of land under cultivation for distribution of cash in lieu of seeds?

Mr. RASIK LAL BISWAS: I think it is also not uniform everywhere because the local prices of seeds vary in different places.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that in the district of Nadia, subdivision of Meherpur, thana Karimpur, the actual distribution was from 8 annas to 12 annas per head of cultivator?

Mr. RASIK LAL BISWAS: I am not aware of it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state what is the maximum that is reported to Government to have been distributed for a particular cultivator if it is not possible to give the average per cultivable land?

Mr. RASIK LAL BISWAS: This cannot be answered off hand. I want notice.

SJ. NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that complaints were made with regard to bad quality of seeds which did not germinate?

Mr. RASIK LAL BISWAS: It may happen somewhere because seeds in many places were purchased through the contractors and could not be examined about the germination at all times before they were actually distributed. Time was very short.

Mr. P. BANERJI: Will the Hon'ble Minister please state whether it is a fact that *aus* paddy was purchased at the rate of Rs. 16 per maund?

Mr. RASIK LAL BISWAS: It may be somewhere. The rate is not uniform everywhere.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that in many places cash was advanced but a receipt was obtained purporting to be a receipt for paddy seeds?

Mr. RASIK LAL BISWAS: That I do not know.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that a similar complaint was made during the budget discussion and that

the Parliamentary Secretary promised to look into the matter? May I know whether the Parliamentary Secretary under the instructions of the Minister has looked into the matter?

Mr. RASIK LAL BISWAS: We are trying to look into it, but as yet no definite complaint has come from any cultivator to us.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state why the Government distributed the seeds in question without examination?

Mr. RASIK LAL BISWAS: It was not possible. The time was very short.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state who selected these contractors?

Mr. RASIK LAL BISWAS: Government officers.

Khan Bahadur ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state what steps do Government propose to take to ensure equitable distribution of seeds in view of the fact that the supply is not adequate as compared to demand?

Mr. RASIK LAL BISWAS: Government have taken adequate measures in this matter and the distribution of seeds and purchasing of seeds are being done duly in time. That year time was very short and so everything could not be done properly. Distribution will be equitable as much as practicable.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to enlighten the House what steps were taken to see that bad seeds be not supplied by contractors?

Mr. RASIK LAL BISWAS: Seeds are being examined and seeds will be examined.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state what was the machinery for examination of the seeds?

Mr. RASIK LAL BISWAS: Experts will examine them by sowing them on the land.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to enlighten the House whether before distribution of seeds, these seeds were actually placed before the experts for examination?

Mr. RASIK LAL BISWAS: As far as practicable.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to let us know whether, in cases where complaints were made about bad seeds, Government is ready to compensate the buyers of the seeds?

Mr. RASIK LAL BISWAS: After enquiry if it is found so, then Government will consider the question of compensation.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether the seeds meant for distribution were collected at one place?

Mr. RASIK LAL BISWAS: At various places.

Sj. MANINDRA BHUSAN SINHA: Is the Hon'ble Minister aware that as much as 60 per cent. of the seeds in certain districts did not germinate?

Mr. RASIK LAL BISWAS: I want notice.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether these seeds were collected in the district towns?

Mr. RASIK LAL BISWAS: Seeds were collected from the localities where they were required and in the localities where seeds were not found, they were brought from distant places.

Mr. ATUL CHANDRA SEN: From the answer given by the Hon'ble Minister do I understand Government to say that Government have no experts in those places concerned?

Mr. RASIK LAL BISWAS: Government may have a good many experts, but they could not be supplied everywhere.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what was the principle kept in view in deciding upon the respective amounts of distributable seeds, district by district?

Mr. RASIK LAL BISWAS: According to the needs of the district.

Dr. NALINAKSHA SANYAL: What was the basis of distribution?

Mr. SPEAKER: He has answered that.

Imposition of collective fine on a certain security prisoner.

*380. **Mr. JNANENDRA CHANDRA MAJUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) whether security prisoner Babu Tarani Bhusan Shome, detained in jail since September, 1940, had been assessed to pay a portion of the collective fines imposed on the inhabitants of the locality in the Dacca Town wherein his house is situated, on account of the communal disturbances in 1942;

(*ii*) whether only his old mother, aunt and his widowed elder sister, all of them aged not less than 60 years and no male members used to reside in his house during all these years when he was being detained in jails; and

(*iii*) whether Tarani Babu had sent petitions to the Government for remission of the fines imposed on him, and the said petitions were rejected and the fines were realised by the Government?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons therefor?

(*c*) Is the Hon'ble Minister considering the desirability of reconsidering his case for remission and returning him the fines realised?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) Babu Tarani Bhusan Shome was first assessed to pay a fine of Rs. 6-7-9. This fine was subsequently shifted upon one Babu Pramatha Nath Choudhury, who was then in occupation of the house.

(*ii*) No; one male member named Babu Pramatha Nath Choudhury was residing in the house at the time.

(*iii*) Yes, but before any action was taken on the petition the fine had already been paid by Babu Pramatha Nath Choudhury.

(*b*) and (*c*) Since the fine was not realised from Tarani Babu, the questions do not arise.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*) (*ii*), will the Hon'ble Minister please state whether the Government is aware who this Babu Pramatha Nath Choudhury is?

Khan Bahadur MOHAMMED ALI: Yes, Sir.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister please give the House his occupation?

Khan Bahadur MOHAMMED ALI: As regards occupation, I ask for notice.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister please state whether the Government is aware how long he has been residing in that house?

Khan Bahadur MOHAMMED ALI: No, Sir, but I might say that he is the son of the mother's sister of the security prisoner.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister please state that this Pramatha Babu though not an earning member of this family had been residing there merely to give protection to the helpless widow in Tarini Babu's absence?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. ATUL CHANDRA SEN: Is the Government aware that Babu Tarani Bhusan Shome, the only earning member of the family, being in detention the family has no means of livelihood except the small allowance that Tarani Babu is receiving from the Government?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. ATUL CHANDRA SEN: Will the Government, if satisfied that he has no other means of livelihood, consider the desirability of refunding the fine that has been realised from him?

Khan Bahadur MOHAMMED ALI: That question does not arise. The fine was not paid by the security prisoner, but it was paid by his cousin who is the occupant of the house.

Mr. ATUL CHANDRA SEN: Is the Government aware that his cousin was not an earning member of the family, but was there merely to give protection to the widow?

Khan Bahadur MOHAMMED ALI: The fine was shifted on to Babu Pramatha Nath Choudhury and anybody who has been assessed a fine has got to pay. Similarly Tarani Babu paid up the fine which was imposed on him.

Mr. ATUL CHANDRA SEN: Is the Government aware that the same Pramatha Babu has no income?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Sj. NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that Babu Pramatha Nath Choudhury was not the occupier of the house?

Khan Bahadur MOHAMMED ALI: On the contrary Babu Pramatha Nath Choudhury was the occupant of the house.

Sj. NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that Babu Pramatha Nath Choudhury did not pay any tax to the municipality as the owner of the house?

Khan Bahadur MOHAMMED ALI: I ask for notice as to if he paid tax, but I can state that he used to pay the house-rent.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us when the fine was shifted to Babu Pramatha Nath Choudhury—after the petition had been submitted by Tarani Babu or before?

Khan Bahadur MOHAMMED ALI: Presumably before the petition was submitted.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister please tell us the date—only after?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state, if Babu Pramatha Nath Choudhury used to pay the rent of the house on his own account or on account of Babu Tarani Bhusan Shome?

Khan Bahadur MOHAMMED Ali: This is more than what I can say, but he used to pay the rent—that much I can say.

Sj. NARENDRA NATH DAS GUPTA: Was the receipt issued in the name of Pramatha Babu or Tarani Babu?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. ATUL CHANDRA SEN: Will the Government consider the desirability of enquiring into the matter as to who paid the rent?

Khan Bahadur MOHAMMED ALI: I said the rent was being paid by Pramatha Babu.

Mr. ATUL CHANDRA SEN: Whether on his own account?

Khan Bahadur MOHAMMED ALI: That matter, if the honourable member will give notice, will be enquired.

Mr. ATUL CHANDRA SEN: I do desire.

Licences for Rajrajeswari procession at Bangsabati in Jangipur, Murshidabad.

***381. Mr. SASANKA SEKHAR SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the contents of the licences for taking out the Rajrajeswari procession at Bangsabati in Jangipur subdivision, Murshidabad district, issued by the—

(A) present Subdivisional Officer, Jangipur, and

(B) previous Subdivisional Officer during similar occasion; and

(*ii*) whether there is any difference in the wording and contents of the licences referred to in (*i*)?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

(*c*) Is the Hon'ble Minister aware that prosecutions were started against the Hindus in connection with last Rajrajeswari procession which passed in presence of the Subdivisional Officer and the C. I. Police?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) Copies of the licences are laid on the Table.

(*ii*) Yes, in the 1943 licence the words "provided the Mussalmans do not object to this" have been added.

(*b*) To avoid communal incidents.

(*c*) Yes.

Copies referred to in reply to clause (a) (i) of starred question No. 381.

No. 736, dated Raghunathganj, the 9th February, 1942.

Memo. from—The Subdivisional Officer, Jangipur.

To—Babu Bibhuti Bhusan Mazumdar, Bangsabati, police-station Suti.

Under the orders of the District Magistrate passed on the lines of agreement between the parties, permission is accorded for the immersion of the goddess "Rajrajeswari" at Bangsabati on the 9th February, 1944, subject to the strictest observance of the following conditions, viz., that the procession shall pass by the back side of the mosque between 2-45 and 3 p.m.

(Bengal time) and that the immersion must be completed by 4 p.m. and that there should be just a minimum of music before the mosque and no unnecessary noise, or shouting of slogans while passing by the mosque and the procession will leave the precincts of the mosque as quickly as possible not tarrying anywhere whatsoever in the locality.

No. 688, dated Jangipur, the 27th February, 1943.

Memo. from—The Subdivisional Officer, Jangipur,

To—Babu Bibhuti Bhusan Mazumdar, Bangsabati, police-station Suti.

Under the orders of the District Magistrate of Murshidabad, passed on the lines of the agreement between the parties, permission is accorded for the immersion of the goddess "Rajrajeswari" at Bangsabati on the 1st March, 1943, subject to the strictest observance of the following conditions, viz., that the procession shall pass by the back side of the mosque between 10-30 a.m. and 11 a.m. (Indian Standard Time) with music *provided that the Mussalmans there do not object to this* and that there should be just a minimum of music before the mosque and no unnecessary noise or shouting of slogans while passing by the mosque and the procession will leave precincts of the mosque as quickly as possible not tarrying anywhere whatsoever in the locality.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether it is not a fact that this Subdivisional Officer is the only officer and this particular licence of 1943 is the only licence in which the words "provided the Mussalmans do not object to this" have been introduced?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware of any other instance in which a licence contains such phrase as "provided the Mussalmans do not object to this"?

Khan Bahadur MOHAMMED ALI: I want notice.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the present Government accepts it as a part of the policy to introduce such phrase as is mentioned?

Khan Bahadur MOHAMMED ALI: That question does not arise, Sir. I might say that a decision was taken by the Unity Board to impose certain conditions and in accordance with the decision of the Unity Board this was done.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state that persons who are described as signatories of the Unity Board made a written statement to the District Magistrate stating that they did not subscribe to their signatures, but that their signatures were obtained by threat or coercion? (Cries of "shame, shame" from the Opposition benches.)

Khan Bahadur MOHAMMED ALI: No, Sir.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister in a position to contradict that one Rai Bahadur Jnanendra Chaudhury and one Rai Bahadur Mahendra Nath Das, a retired District and Sessions Judge, wrote different letters to the District Magistrate, stating that they were not parties to the resolution of the alleged Unity Board and that their signatures were taken by threat and by coercion?

Khan Bahadur MOHAMMED ALI: No, Sir. The formula was signed by Rai Bahadur Jnanendra Nath Chaudhuri, Rai Bahadur M. N. Das, Mr. Birendra Nath Roy, Mr. S. N. Roy and Rai Sahib K. B. Das, on behalf of the Hindus and two other gentlemen did not sign.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that letters were written by these two Rai Bahadurs even to the present Home Minister disowning their signatures?

Khan Bahadur MOHAMMED ALI: I am not aware.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state what was the result of that case which has been referred to?

Khan Bahadur MOHAMMED ALI: I want notice.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware that during the pendency of this case a petition was sent to the Minister in charge of the Home Department signed by 253 members of the locality stating that the present Subdivisional Officer is putting the Hindus into endless troubles by various methods?

Khan Bahadur MOHAMMED ALI: A petition of complaint was received against the Subdivisional Officer.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*) (*i*), will the Hon'ble Minister be pleased to state what are the names of the two respective Subdivisional Officers, who were responsible for the issue of the first order, dated 9th February, 1942, and the second order, dated 27th February, 1943?

Mr. SPEAKER: I disallow that question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what community does the Subdivisional Officer belong to?

Khan Bahadur MOHAMMED ALI: The Subdivisional Officer of Jangipur was a Muhammadan.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the addition of the words "Provided the Mussalmans do not object to this" was sanctioned by the agreement referred to by the alleged Unity Board?

Khan Bahadur MOHAMMED ALI: Yes, Sir. The decision of the Unity Board was that all applicants for holding immersion processions will be granted permission subject to the condition that all music should be stopped before all mosques *en route*.

Dr. NALINAKSHA SANYAL: With regard to the addition of the words "provided the Mussalmans do not object to this", will the Hon'ble Minister be pleased to state specifically whether this is the outcome of any agreement between the communities?

Khan Bahadur MOHAMMED ALI: I said that it was the Unity Board.

Dr. NALINAKSHA SANYAL: Was it one of the conditions or clauses of agreement in the alleged Unity Board?

Khan Bahadur MOHAMMED ALI: That was a general policy adopted by the Unity Board.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to quote any sentence or word of the alleged agreement which confirms the statement that this kind of a proviso was sanctioned by the alleged agreement of the Unity Board?

Khan Bahadur MOHAMMED ALI: If you want exact quotation I would ask for notice.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that the District Magistrate in his letter to the Subdivisional Officer disapproves the introduction of these words in the licence?

Khan Bahadur MOHAMMED ALI: When the decision to constitute the Unity Board was taken and this formula was drafted, the District Magistrate was present.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that the District Magistrate wrote to the Subdivisional Officer that whether a licence should be granted or not was a matter which should be determined either by the executive or by local agreement, but that nothing warranted the introduction of this phrase in the licence which is Government's responsibility?

Khan Bahadur MOHAMMED ALI: I have already stated that in accordance with a decision of the Unity Board, which was taken at a meeting presided over by the District Magistrate, this licence was issued.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state whether the District Magistrate was aware of this provision in the order of the Subdivisional Officer before?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when the alleged decision of the Unity Board in the presence of the District Magistrate was taken? What was the date and when was this interpolation of the words "provided the Mussalmans do not object to this" made?

Khan Bahadur MOHAMMED ALI: The decision was taken on the 17th February, 1943.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that at the time when the decision was taken there was no condition at any stage discussed or written down by an agreement or agreed formula or in any of the drafts that were put up for discussion?

Khan Bahadur MOHAMMED ALI: No, Sir. On the 17th February the agreement was signed.

Dr. NALINAKSHA SANYAL: I said that these words did not appear in any of the drafts which were discussed or which were under discussion.

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state whether the District Magistrate did ever object to the inclusion of this provision?

Khan Bahadur MOHAMMED ALI: No, Sir.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that in the licence of February, 1944, this phrase is not in existence?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: In view of the answer given that there was a complaint made against the Subdivisional Officer to the Home Minister by the residents of the locality, may I know when that complaint was received and how it stands now?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased state whether it is a fact that the Subdivisional Officer who was responsible for adding these words, namely: "provided the Mussalmans do not object to this" had actually thereafter incited a few Mussalmans to go and object?

Khan Bahadur MOHAMMED ALI: No, Sir.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that the Subdivisional Officer was transferred from this station but that afterwards he approached the Home Minister and got his transfer cancelled?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: With reference to answer (*c*), namely, "yes", will the Hon'ble Minister be pleased to state what was the case due to and what was the offence complained of?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state to what community the District Magistrate of Berhampore belonged?

Khan Bahadur MOHAMMED ALI: He was a Hindu.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware that the agreement referred to was discussed in the presence of the Home Minister in Writers' Buildings in which some of the signatories were personally present and they repudiated the alleged agreement?

Khan Bahadur MOHAMMED ALI: A conference took place at Writers' Buildings but I ask for notice if the signatories were present or not

Mr. ABDUR RAHMAN SIDDIQI: Will the Hon'ble Minister be pleased to inform the House who was in charge of the decision of the 27th February, 1943, in which the words "provided that the Mussalmans there do not object to this" were inserted?

Khan Bahadur MOHAMMED ALI: The previous Ministry was in power at that time and they made the decision.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the position in regard to the supposed agreement referred to in the licence and whether Government has been considering the desirability of settling the communal differences at Jangipur either by agreement between the parties or by decision from Government?

Khan Bahadur MOHAMMED ALI: So far as the position is concerned I ask for notice, but I may state that Government is making every endeavour to settle the disputes. As a matter of fact two Parliamentary Secretaries visited the place also and held meetings there with a view to bringing about a settlement.

Mr. ABDUR RAHMAN SIDDIQI: Will the Hon'ble Minister inform the House which Minister issued this order, or under whose directions this order was issued on the 9th of February, 1942?

Khan Bahadur MOHAMMED ALI: No orders were issued by any Hon'ble Minister.

Dr. NALINAKSHA SANYAL: With reference to the answer where it was stated that two Parliamentary Secretaries visited the place, will the Hon'ble Minister be pleased to state what was the outcome of their visit and who were the Parliamentary Secretaries who went to settle the communal differences at the place?

Khan Bahadur MOHAMMED ALI: The Parliamentary Secretaries who visited the place were Nawabzada K. Nasarullah and Mr. Atul Chandra Kumar.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what was the outcome of that visit?

Khan Bahadur MOHAMMED ALI: It was very successful.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that Mr. Atul Chandra Kumar gave a report recommending certain line of action which was not accepted?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that certain images of Hindu Gods and Goddesses are still lying unimmersed in the area due to non-settlement of the communal differences for the last two years?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the Government have received any representation regarding the continued withholding of immersion ceremonies in the area due to the absence of any decision from the Government in the matter?

Khan Bahadur MOHAMMED ALI: Yes, certain representation has been received.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when Government propose to give their decision in the matter?

Khan Bahadur MOHAMMED ALI: How does that question arise, Sir.

Mr. SPEAKER: That question does not arise.

Mr. ABDUR RAHMAN SIDDIQI: Is the Hon'ble Minister aware that music before mosque has been one of the terrible problems before us and that the mischievous activities of people - -(Interruption.)

Dr. NALINAKSHA SANYAL: Like you and your gang.

Mr. ABDUR RAHMAN SIDDIQI: Is it parliamentary? This kind of expression cannot be tolerated.

Dr. NALINAKSHA SANYAL: Sir, - ---

Mr. SPEAKER: Dr. Sanyal, will you please resume your seat? Mr. Siddiqi was putting a supplementary question and you had no business to interrupt him in this way and introduce heat. I hope you will withdraw the word "gang".

Dr. NALINAKSHA SANYAL: I do submit that these unwanted non-Bengalis who try to create disruption here should be turned out lock, stock and barrel.

Mr. SPEAKER: Order, order. He is an honourable member of this House and you must not use such expressions against him.

Dr. NALINAKSHA SANYAL: It is unfortunate that he is a member of this House. (Interruption.)

Mr. SPEAKER: Order, order. I have got to treat every member of this House on the same level whether he is a European——

Dr. NALINAKSHA SANYAL: They are all of the same gang.

Mr. SPEAKER: Order, order. As I said I have got to treat every member of this House on the same level whether he is a European, a Bengali or a non-Bengali. So far as I am concerned I cannot treat them differently. I have got to treat them equally.

Dr. NALINAKSHA SANYAL: We look upon all the exploiters in the same light. (Interruption.)

Dr. ABDUL MOTALEB MALIK: What about the Congress? All Congressmen are exploiters. The Congress is financed and controlled by foreigners like Khaitans and Birlas.

Mr. SPEAKER: Order, order.

Mr. ABDUL LATIF BISWAS: It does not lie in the mouth of Dr. Nalinaksha Sanyal to speak in that vein when he himself is in the employ of Marwaris.

Dr. NALINAKSHA SANYAL: Sir,——

Mr. SPEAKER: Order, order, please resume your seat. You wanted to insinuate against certain honourable members of the House by the use of the word "gang" while Mr. Siddiqi was putting a supplementary question. That I most emphatically say is unwarranted. You may like that expression very much but speaking for myself I do not like that expression in the sense in which it has been used here. I think this House should be a house where only choicest and courteous expressions should be used. That is exactly what is expected. I thought that any member speaking here will speak in a way that will enhance the dignity of the House. I do not for a moment claim to know whether a particular word is parliamentary or a particular word is unparliamentary. The same meaning may not be attached to the same expression even in different parts of the same country. So it is very difficult to say what meaning is attached to a particular expression. A word commonly used in one society may be a most objectionable expression in another society. What is commonly thought of as an unobjectionable expression in one country will not be so in another country. That is what I want to make clear. I would request Dr. Sanyal not to use expressions of this kind.

Mr. CHARU CHANDRA ROY: Mr. Speaker, Sir, তাহলে বাংলায় বলতে দিন।

Mr. SPEAKER: You cannot expect him to speak in Bengali.

The Hon'ble Mr. H. S. SUHRAWARDY: Do you expect Mr. Siddiqi to reply in the Bengali language?

Mr. SPEAKER: Certainly not. I hope similar expressions will never be used in future in this House.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, you asked him to withdraw the expression. Has that decision been altered?

Mr. SPEAKER: I have not altered that decision. I thought that the matter had ended, but it appears that it has not ended. I hope, Dr. Sanyal, you will realise that this was not a dignified expression, and I think you will kindly withdraw it.

Mr. SANTOSH KUMAR BASU: Sir, I will request you most respectfully to withdraw your direction to withdraw.

Mr. SPEAKER: I have made my position quite clear. I cannot say that the expression is unparliamentary. But is it not in the interest of smooth working of this House that we should speak in a polished and courteous language without offending each other's feelings? I think that would be the best course, and if Dr. Sanyal withdraws the expression that will show his magnanimity.

Dr. NALINAKSHA SANYAL: Sir, I had not so long tried to follow you because I am not in the habit of taking interest in matters which are not warranted by the rules of the Assembly. But, Sir, when you have appealed to me on certain grounds higher than the rules, I feel called upon to make

some statement. Sir, I have repeatedly invited your attention to the fact that in this House so long as a particular member is not individually attacked with any particular motive or a particular epithet is attached to himself and if any words are used collectively or in regard to any action and not the person, such words have in all parliaments been accepted as parliamentary. But if the susceptibility of my friend Mr. Abdur Rahman Siddiqi is so great that even little things hurt his feelings, I am not willing to give him any more unnecessary pain. The point is this: I have in this connection to appeal to you, as you have appealed to me, that you also would very kindly see that the proceedings remain true and correct to the actual happenings in the House. I have unfortunately noticed on the Library table certain printed proceedings wherefrom practically chapters and verse have been deleted. That is a very serious matter and it is an encroachment upon the rights and privileges of the members of the House. We do not know under whose orders and by what wonderful methods the words uttered in the House are taken out.

Mr. SPEAKER: That is a different matter.

Dr. NALINAKSHA SANYAL: There is no power, even of the Speaker, to delete any word or words recorded in the proceedings of the House.

Mr. SPEAKER: That is another matter, Dr. Sanyal.

Dr. NALINAKSHA SANYAL: That is a very serious matter, Sir. I have been noticing that some unseen hand is making the mischief, and it is a matter which requires a very careful looking into.

Mr. SPEAKER: Will you kindly resume your seat? Dr. Sanyal, I am sorry, that is a different matter.

Dr. NALINAKSHA SANYAL: But, Sir, that is a matter which involves the privilege of the members of the House, and posterity will have to see——

Mr. SPEAKER: Will you kindly resume your seat, Dr. Sanyal?

Dr. NALINAKSHA SANYAL: I have also noticed that some words that were never uttered by some Minister or Ministers in the House were entered into the proceedings and printed——

Mr. SPEAKER: I will never allow that, and if that has happened, I will certainly look into it.

Dr. NALINAKSHA SANYAL: Sir, will you kindly appoint an editorial board so that no new thing——

Mr. SPEAKER: I will look into it.

Mr. ABDUR RAHMAN SIDDIQI: Sir, he has not withdrawn the expression. May I know, Sir, what has happened to your order?

Mr. SPEAKER: I take it that he has withdrawn.

Mr. ABDUR RAHMAN SIDDIQI: Will the Hon'ble Minister be pleased to state whether processions carried with music before mosques are particularly painful to the Muslims?

Mr. SPEAKER: That question does not arise.

Mr. ASHUTOSH LAHIRI: In view of the fact that the new conditions imposed by the present Subdivisional Officer make the taking out of all processions dependent on the sweet will of the Muslim community, will the Hon'ble Minister be pleased to consider the desirability of withdrawing those conditions?

Mr. SASANKA SEKHAR SANYAL (in a low voice sitting): Those new conditions have been withdrawn.

Mr. SPEAKER: What is your question, Mr. Lahiri? I have not heard it.

(The question was not pressed.)

Khan Bahadur MOHAMMED ALI: Sir, he put a question but when he finds that the answer would be in favour of the present Ministry, he thinks it is better not to press it.

Mr. SASANKA SEKHAR SANYAL: No, Sir, not that, but because the question has already been answered.

Mr. M. FARHAD RAZA CHOWDHURY: Will the Hon'ble Minister be pleased to state why prosecutions were started against the Hindus?

Khan Bahadur MOHAMMED ALI: I want notice.

Telegrams of Mr. Satyapriya Banerjee regarding food situation.

*382. **Mr. SATYAPRIYA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that the questioner sent a telegram to the Secretary, Bar Library, Rajshahi, with a copy of the same to the District Magistrate on 29th October, 1943, conveying that he was anxious about the food situation and requesting him to keep the questioner informed about it;

(*ii*) that the questioner sent a telegram to the President, Bar Library, Nator, with a copy of the same to the Subdivisional Officer, Nator, to the same effect as referred to in (*i*);

(*iii*) that the questioner sent a telegram to the President, Bar Library, Naogaon, with a copy of the same to the Subdivisional Officer, Naogaon, conveying that he was anxious and alarmed at the cholera epidemic there and asking for details of the situation;

(*iv*) that all these telegrams referred to above were forwarded to the Government for disposal by the Deputy Inspector-General, Intelligence Branch, Bengal, on the 30th December, 1943;

(*v*) that this news was communicated to the questioner on the 10th November, 1943;

(*vi*) that the cost for sending these telegrams, viz., Rs. 5-4 has been duly debited to the questioner's personal cost; and

(*vii*) that on the 3rd December, 1943, the questioner wrote to the Home Minister about these telegrams asking him not to send these after the lapse of more than a month and to credit the sum of Rs. 5-4 to his personal cost?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons—

(*i*) why the telegrams had been withheld; and

(*ii*) why this fact was not communicated to the questioner?

(*c*) Will the Hon'ble Minister be pleased to state whether the members of the Legislature now in detention as security prisoners are entitled to be apprised of the situation in their constituencies regarding food, famine, pestilence, epidemic diseases, etc.?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state the reasons thereof?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) to (*iii*) and (*vii*) Yes.

(*iv*) Yes, on 30th October, 1943.

(*v*) and (*vi*) I have no information.

(*b*) (*i*) The honourable member is referred to rule 19 of the Bengal Security Prisoners' Rules, 1940.

(*ii*) The telegrams have been returned with the stamps affixed thereto.

(*c*) Yes, subject to the Bengal Security Prisoners' Rules, 1940.

(*d*) Does not arise.

Mr. ATUL CHANDRA SEN: With reference to answer (*b*), will the Hon'ble Minister please state whether Government consider the desirability of modifying the Bengal Security Prisoners' Rules in a way that will enable members of this House, who are in detention, to exercise their rights as people's representatives in this House so far as it is possible to do from their places of detention and does not in any way jeopardise the security of the State?

Khan Bahadur MOHAMMED ALI: Government is not considering the desirability of amending the Bengal Security Prisoners' Rules, 1940.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House whether the Government is ready to give some advantages or opportunities to these M.L.A. security prisoners to enquire from the Government officials and public bodies about the condition of the country?

Khan Bahadur MOHAMMED ALI: Yes, Sir, subject to the conditions laid down in the Bengal Security Prisoners' Rules they are already getting these privileges.

Mr. ATUL KRISHNA GHOSE: With reference to reply (*c*), will the Hon'ble Minister please state which rule of the Security Prisoners' Rules prevents the members from having information from public bodies with regard to famine and other affairs?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to the reply (*b*)(*i*).

Mr. ATUL KRISHNA GHOSE: Sir, my question has not been replied to Let this question be held over.

Mr. SPEAKER: Question time over.

Ruling of Mr. Speaker on the question of permitting Parliamentary Secretary to make a statement on the circumstances that led to resignation.

Mr. ATUL CHANDRA KUMAR: Sir, may I with your permission make a personal statement.

Mr. SPEAKER: You need not say anything now. I have got to give my decision first.

Dr. NALINAKSHA SANYAL: Decision on what?

Mr. SPEAKER: Decision on whether Mr. Kumar should be permitted to make a personal statement.

Dr. NALINAKSHA SANYAL: On that matter the point of order that was raised was not sufficiently argued.

Mr. SPEAKER: That was finished. I am not going to allow any discussion on that point. I am ready with my decision.

The question for decision is whether a member who has resigned his office as Parliamentary Secretary may be permitted by the Speaker to make a statement in explanation of the reasons for his resignation. The term "Parliamentary Secretary" nowhere appears in the Government of India Act, 1935, or in the Bengal Legislative Assembly Procedure Rules. The rights and privileges of Parliamentary Secretaries as such do not thus appear to have been defined anywhere.

The system of Parliamentary Secretary appears to be an old institution obtaining in the House of Commons. I had therefore tried to ascertain whether there a Parliamentary Secretary as such enjoys the privilege of making a statement on resignation of his office as Parliamentary Secretary. Though not quite clear, members of the House of Commons holding offices in the Government other than Ministers enjoying Cabinet rank appear to enjoy the privilege [*vide* (*i*) May's Parliamentary Practice, 13th Edition, page 311, (*ii*) Hansard, 3rd Series, Volume 269, page 106, explanation of Mr. W. E. Forster, Chief Secretary to the Lord Lieutenant, (*iii*) Hansard, 4th Series, Volume 120, page 1254, explanation of Mr. Hayes Fisher, Financial Secretary, (*iv*) Hansard, 4th Series, Volume 145, page 1352, the resignation of the Right Hon'ble Mr. G. Wyndham, Chief Secretary for Ireland, and (*v*) Hansard, 5th Series, Volume 72, page 7, explanation of Mr. J. A. Pease, Assistant Post-Master General].

The British Constitution varies so fundamentally from the constitution of this province that it is very difficult to derive much assistance from these precedents, specially in view of the fact that the position of Parliamentary Secretary in the Government in Bengal has not yet been clearly defined, and in the present state of things the analogy will not hold good however desirable it may appear that these Parliamentary Secretaries should be considered as forming part of the Government of the province.

I think we should rather look to our own rules for guidance. Rule 103 read with the definition of the word "Minister" as given in rule 1 of the Bengal Legislative Assembly Procedure Rules may be contended to be applicable to Parliamentary Secretaries. In other words it may be contended that in view of the definition of the term "Minister" as given in rule 1, a member to whom a Minister may delegate any function assigned to him under these rules should be deemed to be a Minister as used in rule 103 and as in this case the Parliamentary Secretary in question did some delegated function of a Minister during the term of his office as Parliamentary Secretary, he should be deemed to be a Minister for the purpose of rule 103. It is contended that he may accordingly be permitted by the Speaker to make a statement in accordance with the provision of the said rule. This contention may even be further strengthened by a reference to rule 1 which has no qualifying clause such as "unless repugnant to the subject or context" as is sometimes found in rules. I, however, think that rule 103 never contemplated a case of a Parliamentary Secretary and was never intended to include and does not include cases of Parliamentary Secretaries. Rule 103 does not deal with any question of delegation of any function. It deals with resignation by a Minister of his office as Minister. It makes special provisions for Ministers and Ministers alone and not for members to whom certain functions of the Minister under the rules may be delegated. The wording of the rule itself, in my opinion, excludes the case of Parliamentary Secretary. Let us for a moment substitute the relevant portion of the definition of the term "Minister" for the word "Minister" in the relevant portions of rule 103. Rule 103 will then read thus:—

Rule 103(1).—A member, who has resigned the office of a member to whom such Minister may delegate any function assigned to him under these rules, may with consent of the Speaker make a personal statement in explanation of his resignation.

(2) * * * * * *

(3) * * * * * *

Provided that a member to whom such Minister may delegate any function assigned to him under these rules shall be entitled after such member has made his statement to make a statement pertinent thereto.

This, I am afraid, does not make a happy reading or intelligible meaning. Besides, the provisions of rule 103 appear to me to be based on a principle which does not apply to the case of a Parliamentary Secretary. Ministers are responsible for framing policies of Government and any Ministry or Minister resigning office as such owe an explanation to the House and to the country for their resignation. And the Ministry then in office would certainly have a right of reply. This is exactly what rule 103 provides. But a Parliamentary Secretary has no such responsibility and I think does not owe any such explanation. I, therefore, hold that a Parliamentary Secretary as such on resignation of his office enjoys no privilege of being heard in explanation of the reasons of his resignation. I hold rule 103 has no application to the case of Parliamentary Secretaries.

Rule 14 of the Bengal Legislative Assembly Procedure Rules however appears to me to give every member of this House the right to make a statement by way of personal explanation at any time. It may be suggested that this rule deals with matters arising out of debates in the Assembly. But, in my opinion, the wording of the rule is too wide to warrant such a narrow construction. The rules seem to be based on similar privileges enjoyed by members of the House of Commons and it will appear from a reference to May's Parliamentary Practice, 13th Edition, page 312, that personal explanations are not limited to matters arising out of debates only. (*Vide* also Hansard, 3rd Series, Volume 230, page 1481, explanation of Lord Henry Lennox, First Commissioner of Works.) I should not feel justified in putting an interpretation on a rule which will have the effect of curtailing the rights and privileges of the members of this House. I therefore hold that under the provisions of rule 14 every member of this House whether Parliamentary Secretary or not may be permitted by the Speaker to make a statement on an appropriate occasion. But such a statement must be made within the limitation prescribed by the said rules.

The only question that now remains to be considered is whether Mr. Atul Chandra Kumar, a member of this House, who has resigned his office as Parliamentary Secretary should be permitted to make a statement in explanation of the reasons for his resignation. I think he should be permitted and I do permit him accordingly. But in making his statement he should strictly confine himself to matters which are not debatable.

Khan Bahadur MOHAMMED ALI: On a point of order, Sir, strictly arising out of your decision. Do you hold that it is permissible for a member to make a statement if he changes his party?

Mr. SPEAKER: Order, order. No point of order arises on my decision. Yes, Mr. Kumar.

Statement by Mr. Atul Chandra Kumar.

Mr. ATUL CHANDRA KUMAR: Mr. Speaker, Sir, I owe a personal explanation to the members of the Government party, because I have left them. And here I am only to address them and not the Opposition whom I have joined.

Sir, one fine morning on the 14th April, 1943, newspaper hawkers were hawking newspapers. Newspapers were being sold like hot cakes with the bold head lines "Sir Nazimuddin agrees to form Bengal Ministry. Hindus' co-operation sought." These two lines attracted me and I purchased a newspaper and found in the first sentence: "The Governor of Bengal today received Khwaja Sir Nazimuddin and informed him that, with a view to his being able to revoke the Proclamation under section 93 of the Government of India Act, 1935, he would welcome his assistance in forming a Ministry. Sir Nazimuddin has accepted the Governor's invitation."

Sir, I was a party to the revocation of section 93. I thought that I was only doing my duty in being a party to the revocation of section 93, because, Sir, in my opinion any Ministry was better than a rule under section 93.

Sir, I was attracted when I read the statement of Sir Nazimuddin which runs thus: "It will be my aim to establish true harmony and good feeling in the province and it is my earnest hope that in this task I shall have the wholehearted support of all sections of the people and their true representatives. On behalf of the Muslims of Bengal and as the leader of their parliamentary organization, I am extending my hand of fellowship and co-operation to the entire Hindu community.

"The country is faced with a grave crisis owing to the steady deterioration in the food situation. I consider that the first and foremost duty of the Ministry should be to concentrate all their efforts in solving this complex and vital problem. It will have to take all possible steps to bring down the soaring prices of foodstuffs, provide adequate supply and arrange for better and equitable distribution thereof throughout the province, and to take drastic measures in suppressing the black market, hoarding and profiteering. Along with this an intensive and planned drive for increased cultivation of food crops must be undertaken. Wholehearted co-operation of all sections of the people is essential for achieving complete success in this formidable task.

"Bengal is faced with the grim realities of war. The policy of the Ministry will be to take every possible measure to advance the war effort and give relief to the public affected by enemy action and other consequences of the war.

"It will be our aim to follow a sympathetic policy in the following matters having due regard to the present war-time conditions and the security of the province, and to make a national approach in dealing with these problems:—

"Liberty of the Press, liberty to hold meetings; arrests, detentions and trials for political offences; regular and periodical reviews of the cases of political prisoners by some independent tribunal to secure their release or to provide amenities for them; amenities for detenus about food, clothing, medical attendance, interviews, study, letters and miscellaneous supplies; family allowances to security prisoners on a generous scale; application of Defence of India Rules and Ordinances; and collective fines.

"It is our intention to adopt suitable measures to ameliorate the condition of agriculturists and labourers.

"We contemplate taking immediate steps to prepare plans for post-war reconstruction with the assistance of competent persons.

"Effective measures will be taken to eradicate corruption from the Administration.

"I do not consider that this is the occasion to place before the public a detailed programme. The immediate problems have been outlined above. In due course, a comprehensive programme will be placed before the country."

Sir, after this statement of Sir Nazimuddin, I approached Mr. B. P. Pain now the Hon'ble Mr. Baroda Prasanna Pain and he kindly rang up Mr. T. C. Goswami now the Hon'ble Mr. Tulsi Chandra Goswami and consulted him. He was also attracted by the statement of Sir Nazimuddin and he agreed with me to see if anything can be done to join Sir Nazimuddin after his statement. The basis of our joining Sir Nazimuddin was his statement of the 14th April, 1943. And, Sir, in response to that statement, we 6 or 7 members issued the following statement on the 20th April, 1943. In between these six days my esteemed friend Khan Bahadur

Mohammed Ali by his amiable nature and his feeling for other communities attracted me and I was also led to believe that Sir Nazimuddin means what was stated in the statement. Our statement runs thus: "Eight members of the non-official Congress Parliamentary Party, who have resigned from the party, propose to form a group of their own. In a statement on their behalf Mr. T. C. Goswami states: "We confess that we have been attracted by the programme which Sir Nazimuddin has placed before the province. We are of opinion that it really paves the way for joint harmonious action. We believe that there is sincerity of purpose behind it and that it will be criminal folly to run away from it. It will be folly, we believe, to refuse to grasp the hand of friendship and fellowship which Sir Nazimuddin has extended to all and to the Hindu community in particular, and to refuse to co-operate with the big political party which he represents when he is sincerely seeking our co-operation. It will be folly, we believe, to regard Sir Nazimuddin with suspicion or to ignore his party which today is undeniably the largest political Muslim party in the province.

"We might remember that the Congress has always sought the co-operation of the Muslim League, and in the recent past, was prepared to hand over the administration of the country to that body unconditionally.

"After referring to the circumstances which led Mr. Sarat Chandra Bose to form a coalition with other groups, he says:—

"We have, unfortunately, no opportunity of meeting our own leader and ascertaining his views on the new coalition which is being sought, but we believe that he would wish us to continue the good work which he began, viz., to maintain peace and harmony in the province, to seek the release of political prisoners, to secure amenities for those whose release is delayed and to maintain the liberty of the Press and platform. He would, in addition, wish us to apply ourselves to the task of solving the serious food problem in the province.

"We are convinced more firmly than before that Sir Nazimuddin's programme must be worked for the good of the province. During discussions with party leaders we heard nothing in condemnation of the programme. The only position taken is that there must be an all-party Ministry or no Ministry at all. We do not think that this is a correct approach to the problem. We think that if the programme offered is acceptable and is honestly implemented, we should not stand out merely because one single party is not included in the Ministry or another party refuses to join it except on its own terms. Was not the last coalition formed without the Muslim League, and was not the Nationalist Group unrepresented in the Ministry? We still carried on.

We feel that we have no right to assume that Sir Nazimuddin will attempt to go behind his published programme, which, we believe, could be made to form the basis of lasting peace and amity in the Province which our leader Mr. Sarat Chandra Bose had always in view. We feel that we would be failing in our duty if we refused to give it a fair trial. If having given it a fair trial, we find later that the programme is not being worked and there is no desire to work it, we could then have no hesitation in admitting our mistake and in retracing our steps. We believe that a policy of sullen non-co-operation at this critical juncture will lead to disastrous results for the province.

The trend of events during the last few days has convinced us that we are in danger of falling off from the idealism which led our leader Mr. Sarat Chandra Bose to bring about a large combination of parties acting with a common purpose on a common programme. We feel also that agencies are at work to undermine Mr. Sarat Chandra Bose's influence in the Province and to undo the good work he had begun. We feel also that we should not be made to share the popular odium which will inevitably

follow the consequences of our refusal to accept the olive branch which has been held out to us. Finally, I would appeal to suspend judgment until a fair and reasonable trial has been given."

Sir, I joined the Coalition Party as I believed and still believe that a coalition with Moslem League on honourable terms is helpful towards a better understanding amongst the Moslems and Hindus of Bengal. The Hon'ble Khwaja Sir Nazimuddin issued his memorable statement on the 14th April, 1943. I was told by Mr. T. C. Goswami to believe the statement of a gentleman and give it a trial and I extended my support in the formation of a Ministry under Sir Nazimuddin.

Sir, the office of a Minister is a good job, and it is a boon for one who does not deserve it. The office of a Parliamentary Secretary is not a very bad job. Rs. 500 a month for an Indian is the maximum pay prescribed by the Congress. Besides the salary, the Parliamentary Secretary enjoys two orderlies, one free telephone during war time, four free newspapers, and a few set of furnitures which are very expensive. Some intelligent people may, therefore, say that either I am a fool or a "mad-cap" to give up such a fine job. I therefore owe an explanation to those intelligent people at least who are not so foolish to resign their office as yet. Before doing so, I want to point out that intelligence is not always recognized. Had it been so, the Chief Whip of the Government of Bengal, the real author of the Bill, would have become a Minister by this time as a reward for his intelligence. In introducing the Secondary Education Bill in a manner which Dr. Jenkins and Dr. Mookerjee failed to do.

Mr. SPEAKER: You cannot bring in such matters. That is a debatable matter.

Dr. NALINAKSHA SANYAL: What is debatable, Sir? Intelligence of the Chief Whip?

Mr. SPEAKER: Order, order.

Mr. SANTOSH KUMAR BASU: Is it a debatable matter, Sir, that Mr. Fazlur Rahman is an intelligent man?

Mr. SPEAKER: Order, order. Mr. Atul Chandra Kumar, you continue.

Mr. ATUL CHANDRA KUMAR: I congratulate the Chief Whip of the Government of Bengal. Sir, he has proved himself to be most intelligent in surpassing even the late Mr. MacDonald, the author of the Government of India Act, 1935, while cleverly introducing separate electorate for Scheduled Castes. Had Mr. MacDonald been alive, he would have summoned Mr. Fazlur Rahman to the British Cabinet. Unfortunately poor MacDonald is no longer in this world. I hope Mr. Stark, who is here to look after British interest will kindly help Mr. Fazlur Rahman in the absence of Mr. MacDonald. (Laughter.) I would request the members of the Coalition Party supporting the Government to note that this Ministry had highest strength before the introduction of this Bill. But they now see that there is landslide from Government side over this Bill.

A voice from Coalition Bench: Only two.

Mr. ATUL CHANDRA KUMAR: Others will follow soon.

Any Bill introduced by a Ministry cannot be said strictly a Government Bill. I distinguish it as a Ministerial Bill, nay it may be called a "Ministry-killing" Bill. I am not at all a constitutional pandit, but I doubt whether a Ministry functioning under the Government of India Act, 1935, can introduce a measure which is not provided for in the Act itself, and I doubt whether an honest Ministry can be a party to encouraging

cheating or robbery—if I may be permitted to use such an expression—whether a Ministry which is a party to encouraging the breaking up of the gentlemen's agreement can be called an honest Ministry? I request the European members to read the Government of India Act, 1935, and then to enquire if it was a fact that Scheduled Castes got 20 more seats in Bengal as a price against separate electorate for Scheduled Castes according to the Poona Pact.

I ask my Scheduled Caste friends not to take undue advantage of the affair. May I appeal to the Hon'ble Khwaja Sir Nazimuddin, the Chief Minister of the Province, not the Chief Minister of the Muslim League Party alone, who is admitted even by his enemies to be very fair, honest and sincere, to read sub-clause (*15*) of clause 4 where——

Mr. SPEAKER: Mr. Kumar, that is no personal explanation.

Mr. ATUL CHANDRDA KUMAR: Sir, that is the reason why I resigned.

Mr. SPEAKER: You may say that. It is not a question of appeal. You say that that is the reason why you resigned.

Mr. ATUL CHANDRA KUMAR: All right, Sir. I would request the Hon'ble Chief Minister to read the clause. He does not generally go through the Bill.

Dr. NALINAKSHA SANYAL: Sir, the Hon'ble Chief Minister has rarely time to read, and therefore Mr. Kumar has to refer to the clause.

Rai HARENDRA NATH CHAUDHURI: Sir, that point was stated in the very letter.

Mr. SPEAKER: Let Mr. Kumar put it properly. That is what I am asking him to do.

(At this stage the House was adjourned for fifteen minutes.)

(After adjournment.)

Mr. ATUL CHANDRA KUMAR: Sir,——

Mr. C. GRIFFITHS: Mr. Speaker, Sir, on a point of information. Is it a fact that the Second Front has been started? If so, the House may be postponed today.

Mr. SPEAKER: Mr. Kumar is on his legs.

Mr. ATUL CHANDRA KUMAR: Sir, may I request the Hon'ble Chief Minister to consult the Hon'ble Mr. Suhrawardy, who is the ablest and the most intelligent member of the Cabinet, who has still some sense of nationalism, if it is fair to please the spoiled children in any manner to keep the party in power. I appeal to the party members and the Chief Minister to realise that if the Government accedes to an unreasonable request of some members to keep them in power, there is no escape from being driven from power. Unholy alliance never pays. I would request the Scheduled Caste members supporting Government in this House to ponder over once more as to whether they want to have separate electorate even at the sacrifice of the larger interests of the country. I also remind them to weigh in balance whether they would prefer separate election for themselves to send their coterie representatives in the Board or prefer cordial relations with the Caste Hindus? Electorate of the Scheduled Castes want their castemen to recognise their status in the society by way of allowing them to celebrate *pujas* with Caste Hindus, to see that they are treated well in the society. I ask them if they prefer separate electorate or they would like to send their quota of representatives on the Board maintaining cordial relations with the Caste Hindus.

Babu KSHETRA NATH SINGHA: On a point of order, Sir. You ruled that Mr. Kumar will speak on his personal explanation. Sir, are all these his personal explanations?

Mr. SPEAKER: Mr. Kumar, please confine yourself to personal explanation. You will have ample opportunity to appeal to members on this side or on the other side afterwards.

Mr. ATUL CHANDRA KUMAR: Sir, I am not going to abuse the privilege so kindly given to me. I will get ample opportunity to speak on the Secondary Education Bill, but I will state today the reasons why I resigned. Sir, after my long association with the Ministry, naturally I must have some reasons why I made up my mind to resign. The Hon'ble Education Minister while supporting separate electorate for Muslims put some arguments in his own way of thinking.

Mr. SPEAKER: Are you meeting his arguments?

Mr. ATUL CHANDRA KUMAR: No, Sir, I am not meeting the arguments; I am only stating the reasons.

Mr. SANTOSH KUMAR BASU: Sir, I appeal to you most respectfully that he must be given some latitude to frame his personal explanation in the way that he chooses.

Mr. SPEAKER: Mr. Basu, I think the rule is absolutely clear. He is not speaking on the Secondary Education Bill. He can say as to why he has resigned.

Mr. SANTOSH KUMAR BASU: That is one of the principal issues upon which he has resigned and he cannot avoid mentioning the Secondary Education Bill in the way he is doing.

Mr. SPEAKER: He can say on account of this he resigned.

Mr. ATUL CHANDRA KUMAR: Sir, I tendered my resignation on the 29th May and my resignation was accepted on the afternoon of the 30th May. Before I resigned I wrote a letter of request to Sir Nazimuddin, dated the 25th May which reads thus:—

"My dear Chief Minister,

When I along with some of my friends made an alliance with you in April last year and formed the present Government I did so with high hopes about progressive political combination raised by good assurances given by you and in our anxiety for building up future for the province in the matter of communal harmony. We even had to swallow the frowns and unconcealed contempt of fellow workers and constituents.

I must say that at least in some material particulars we were not disappointed and I never repented having stood by you. But the proposed Secondary Education Bill which to me appears to be more pernicious than that of 1940 which was characterised by my leader, Mr. Sarat Chandra Bose, in his debate on 4th of September, 1941, as the most reactionary measure ever taken, seems to bring me straight on the parting of ways. It not only seems to communalise education by placing it against all progress and freedom, it further seeks a new division against the Hindu community by eliminating the Scheduled Castes, a mischief which had to be counteracted by Mahatma Gandhi at the stake of his life."

Mr. RASIK LAL BISWAS: That mischief was done by the Hindu leaders at Poona.

Mr. ATUL CHANDRA KUMAR: I am grateful to my friend Mr. Rasik Lal Biswas that he admitted that Poona Pact was a mischief. By experience we see that it was a mischief!

Mr. RASIK LAL BISWAS: It was a mischief.

Mr. ATUL CHANDRA KUMAR: My friend Mr. Rasik Lal Biswas was a party to the Poona Pact. He had been to Poona.

"At this moment when all controversial questions were to have been avoided according to the spirit of your April declarations, to bring in a measure which irritates and offends a whole community and excites communal discord is obviously unstatesmanlike, to say the least of it. I appreciate the kindness with which you have always considered the questions which were raised by us in various ways during last 12 months and I see that if you cannot oblige us by not passing the Bill in its present form it is because of the pressure from your community. That also makes my helplessness all the more clear and you probably do not expect of me to be party to that measure which my constituency and the community to which I have the honour to belong (I am not ashamed of being a Caste Hindu) and a section of Muhammadans so unreservedly disapprove.

"I would, therefore, request you to exert your influence even at this stage to modify the Bill or to relieve me of my office as Parliamentary Secretary and membership of the Bengal Coalition Party. Let us part, if at all, in sadness but all the same—let us part as friends."

After sending this letter of request on the 25th May, 1944, I waited for three or four days. I consulted my Scheduled Caste friends. I appealed to almost all the Scheduled Caste members supporting the Government. (Babu KSHETRA NATH SINGHA: We shall never hear you.) I know, Sir, that they will not hear me because they are after something.

Mr. RASIK LAL BISWAS: You are not telling the truth. We wanted to hear the truth

Mr. ATUL CHANDRA KUMAR: I am only stating home truths.

Sir, I waited for complete four days. I talked to every member of the Scheduled Castes belonging to Government. I appealed to them, individually and collectively, but I found that they must have their pound of flesh from the Ministry because they support the Ministry. They must have the price for supporting the Ministry. They placed the argument that when Muslims demand separate electorate why should not they demand separate electorate for themselves? That is why this question is raised now because there is some justification, though not in educational sphere but only in political sphere, for separate electorate for the Muslims, but is there any justification for the provision of separate electorate for the Scheduled Castes? The Hon'ble Education Minister while supporting separate electorate for Muhammadans made in his own way the following statement: "It is the united demand of Mussalmans that their representations must be through separate electorate. In the wider field of constitutional structure this has been recognised and incorporated in the Constitutional Act of 1935 as was also done by the Parliamentary Act that preceded. And this has also been accepted by all non-Muslim political parties as evidenced by their conduct."

He further supported his argument by saying, "From what I have already said it is clear that the only *de facto* source of Muslim representation on the Senate is Nomination. Here as a matter of deliberate policy with a view to give representation to all sections of the people the nominated seats are distributed in certain proportions amongst Europeans, Indian non-Muslims and Muslims and at present there are 27 nominated Muslim Fellows on the Senate."

Sir, I would request the Hon'ble Education Minister to re-read the Calcutta University Act. There is no such provision in it. Nowhere it is laid down that any seat is reserved for any community either Hindu or Muhammadan. If it is so, Sir, may I request him to inform whether it is a fact that Mr. Zakaria was nominated in place of Babu Nibaran Roy deceased, whether it is a fact that Mr. Hardik, a Hindu of Assam, was

appointed in place of Mr. Abdul Bari. The Hon'ble Minister has given some point in support of separate electorate for Muslims but he has no point for support of separate electorate for Scheduled Castes.

Mr. SPEAKER: Mr. Kumar, you cannot bring in the entire world in your personal explanation.

Mr. ATUL CHANDRA KUMAR: All right, Sir. The Hon'ble Education Minister has some argument in his own way of thinking for separate electorate in political sphere but can he cite any example in any part of India that in educational sphere separate electorate has been introduced. (A voice from the Coalition benches: Dacca University.) Dacca is in Bengal —in no part other than Bengal.

The Hon'ble Minister for Education states that there is a provision for separate electorate for Muslims under the Government of India Act, 1935, and the Act that preceded it. Is there any provision in the Government of India Act, 1935, of separate electorate for Scheduled Castes (The Hon'ble Mr. PREMHARI BARMA: Yes, there is.) or in the Act which preceded the Government of India Act, 1935? No. (Mr. A. M. ABDUL HAMID: It was in the original Act.)

Then, Sir, I was disappointed to find that my Scheduled Caste friends supporting the Government insisted on separate electorate and the Ministry wanted their support to keep them in power. I realised the difficulty of the Chief Whip and of my Muslim friends that they cannot sacrifice 15 or 16 Scheduled Castes supporting them as against one. I realised their difficulty. I realised at the same time that they were also not prepared to sacrifice me or leave me, but they were helpless.

Babu KSHETRA NATH SINGHA: Is all this sermon in personal explanation?

Mr. SPEAKER: Mr. Kumar, please finish your statement quickly.

Mr. ATUL CHANDRA KUMAR: Sir, I at least expected that the 15 or 16 Scheduled Castes——

Mr. SPEAKER: Mr. Kumar, I would request you to proceed with your personal explanation and not to introduce any debatable matters.

Dr. NALINAKSH SANYAL: Some matter can be debated and some matter cannot be debated. For example, we have heard that a particular Minister becomes mad if he is called *mama*. (Laughter.)

Mr. ATUL CHANDRA KUMAR: Then, Sir, I had to take leave of them, because I realised their difficulty. I did not want to continue to retain my job as a Parliamentary Secretary, as I could not compromise my principle. This was the immediate issue before me that led me to take leave of my good friends with whom I had worked for 12 months. Then, Sir, on the 29th May I again wrote a letter to the Hon'ble the Chief Minister. "My dear Chief Minister, on the 25th instant I sent you a letter requesting you to modify the Secondary Education Bill or to relieve me of my office as Parliamentary Secretary to your Government. Before writing to you I had a discussion regarding this Bill with the Chief Whip of the Coalition Party, the Hon'ble Mr. B. P. Pain, the Hon'ble Mr. T. C. Goswami and some members of the Scheduled Caste Party. In a meeting of the Bengal Swarajya Party, I expressed my strong disapproval against separate electorate, especially to the provision which divides the Hindu community. I had no opportunity of placing my views before the Coalition Party for the simple reason that rather very unusually, where matters of lesser moment are brought and discussed, no party meeting was held over such an important measure. "(Dr. NALINAKSHA SANYAL: What? No party meeting?) No, they did not require any party meeting. (Dr. NALINAKSHA

SANYAL: The party is always taken by the nose.) Failing to express my views before the Party, I had to write to you as the Leader of the Party giving briefly my feeling over the Bill.

"After the letter was handed over to you I had a talk with the Chief Whip of the Party and I informed him in writing on the same date that in case the Chief Minister could not accede to my reasonable request, I should send him my resignation letter. The Chief Whip informed me that he would further discuss the matter with me.

"I have noticed with considerable regret that there is no chance of my demands, contained in my last letter to you, being satisfied and, therefore I have no other alternative but to sever my connection with the Party and the Government as its Parliamentary Secretary."

Mr. SPEAKER: Mr. Kumar, I hope you have finished.

Mr. ATUL CHANDRA KUMAR: No, Sir.

Mr. SPEAKER: How long will you take?

Mr. ATUL CHANDRA KUMAR: I am trying to be very brief. The immediate issue before me is the consideration of the Secondary Education Bill which, while introducing separate electorate for the Muslims, tries to vivisect the Hindu community by allowing the Scheduled Castes separate representation on the Board. I have protested against the principle in my letter to Sir Nazimuddin, dated the 25th instant and also at informal conference and at party meeting of the Swarajya Party.

This is the culminating point of a series of grievances which I have tolerated so long in the hope that Sir Nazimuddin's policy of establishing "true harmony and good feeling in the province" should be given a fair trial. Sir, I did not resign on any other issue, because I thought that we would be able to overcome them if we were able to achieve the desired object. I am sorry to say, Sir, that Sir Nazimuddin did not care to register our grievances. But, Sir, I may state that I have found him personally very considerate, very sympathetic but he was also helpless in some matters. (Cries of "Hear, hear" from ministerialist benches.) I say this from the soul of my heart that Sir Nazimuddin is considered to be an honest gentleman even by the Opposition. I feel that Sir Nazimuddin also realised that he was not only the Chief Minister of the Coalition Party but of the whole Province.

Mr. SPEAKER: That is no part of your personal explanation.

Mr. ATUL CHANDRA KUMAR: Sir, disillusionment came earlier than I had expected. The name of the Ministerial Party at its inception was "Bengal Coalition Party" and the Hindu sentiment was somewhat soothed. In a few months' time the Party suddenly changed colour and the leading members of the party began to call it "Bengal League Coalition Party" and Mr. Abdur Rahman Siddiqi, a very prominent member of the League said that it was not a League Ministry but was a Coalition Ministry. It did not take many long days when the same Mr. Siddiqi after being defeated in the Calcutta Corporation and being confident of the League position in Bengal by our coalition——

Mr. SPEAKER: Mr. Kumar, it is no part of your personal explanation. I cannot allow that.

Mr. ATUL CHANDRA KUMAR: Sir, I was only reminding——

Mr. SPEAKER: Mr. Kumar, you have taken, if I remember right, more than 45 minutes. You are speaking on a matter of personal explanation which should be a brief one. You cannot bring in any debatable

matter whatsoever in course of your statement. You are sometimes mentioning who said and on what occasion and so on and so forth. If you go on like this referring to what happened during the course of one year you will, it seems, take one year to finish your speech.

Dr. NALINAKSHA SANYAL: The House is anxious to know all the facts leading to his resignation.

Mr. SPEAKER: The House may be anxious to know many things. That is no reason why he should prolong his statement. Mr. Kumar, you should finish your statement quickly.

Mr. C. GRIFFITHS: Sir, news has just been received that the Second Front has been opened. I would submit that the House should therefore adjourn for the day.

Mr. SPEAKER: That is a matter which should be brought before the House by the Government. If Government suggest the adjournment of the House I will have no objection.

Mr. SANTOSH KUMAR BASU: Mr. Kumar has resigned not only from his office as Parliamentary Secretary but from the Coalition Party also He has been explaining his attitude towards certain prominent members of the Coalition Party and why he had differences with them which led to his resignation.

Mr. SPEAKER: I think the rule is absolutely clear. Anything that does not come within the purview of the rules cannot be permitted. I hope he will finish his speech soon and come to the point at issue

Mr. C. GRIFFITHS: Sir, what about my suggestion regarding the adjournment of the House in connection with the opening of the Second Front?

Mr. SPEAKER: I have already said that this is a matter which should properly come from Government. I shall have no objection to adjourn the House if Government wants it.

Dr. NALINAKSHA SANYAL: It may be that Sir Nazimuddin may not like an adjournment but Mr. Griffiths has drawn attention to the opening of the Second Front over which he feels happy. Sir, the price of fowl has gone up to Rs. 4 each. (Laughter.)

Mr. ATUL CHANDRA KUMAR: Sir, I cannot allow the Secondary Education Bill in the present form to be placed on the Statute Book without recording my sincere protest not only in the meetings of the Swarajya Party and individually to members of the Coalition Party or the Muslim League Ministerial Party as it is now called. It is extremely unfortunate that I could not place my views before the Party meeting simply because while matters of far lesser moment were brought before the meeting and discussed threadbare, the Education Bill was never placed before the meeting for discussion.

There are many clauses and provisions in the Bill which require substantial and healthy amendments and as a proof of this I may mention that the Government Party has tabled no less than 150 amendments, while that of the Opposition number a little over 2,000. But the most objectionable feature of the Bill is its anti-national character which has precipitated my resignation from the Party. Provisions have been made not only for Muslims to have communal representation in the sanctuary of learning where there had been none before—I think Mr. Wordsworth will agree with me that there was no separate electorate in educational sphere—but serious attempts have been made to divide the Hindu community into Scheduled Castes and the Caste Hindus. I am not sure if this is allowed under the

'onstitution Act, where by an amendment of the Act of 1935, the Scheduled 'astes were accorded 30 seats in the Legislature against 10, previously rovided for, on the distinct understanding that they will remain within he Hindu fold under joint electorate. In my humble opinion, they can-ot have both.

Mr. SPEAKER: That is no point for your personal explanation. I annot allow your referring to irrelevant matters in this way.

Rai Bahadur JOGESH CHANDRA SEN: Sir, all these 12 months he as pocketed as his salary nearly 6,000 rupees. He should either be allowed o explain his conduct fully or return the money. (Laughter.)

Mr. ATUL CHANDRA KUMAR: They have been encouraged to aspire or having everything and the present Government is directly responsible or creating such a situation. I, as a gentleman and a Congressman, am ound by the Poona Pact, cannot subscribe to the view of the Ministry and thought it to be my sacred duty to oppose and record my protest on this Bill. The Bill has not only offended the Hindu community but a consider-ble section of the Muslims and it would have been statesmanlike to come to n honourable understanding with the parties in Opposition for the passage f the Bill. Mere number cannot constitute the Government, the goodwill f the people must be sought after. The present Government is entirely acking in this respect.

Mr. SPEAKER: You have finished I hope?

Mr. ATUL CHANDRA KUMAR: I would require 3 minutes more, Sir.

Mr. SPEAKER: Finish quickly please.

Mr. ATUL CHANDRA KUMAR: I was not satisfied with the manner n which other matters affecting the welfare of both the Hindu and Muslim ommunities in Bengal were handled. Reading the statement of Sir Nazimuddin with the declaration of Mr. Jinnah that the minority commu-nities in the Muslim majority provinces will have more than a generous reatment in the hands of the Muslims, I held high hopes that Sir Nazi-muddin with his big majority in the Legislature will give tangible proof f this policy in Bengal, and that Bengal, under his regime, will present o the whole world an ideal Province to be emulated by all countries and places where the canker of communalism has destroyed peace and goodwill mongst neighbours. Sir, after the introduction of the Secondary Educa-ion Bill my hopes have been completely shattered. Sir, Mr. Sasanka Sekhar Sanyal put a question in this House regarding "music before nosque" and you, Sir, may have noticed how that question was answered nd how long a time was taken up over that question. The question of 'music before mosque" is as burning a problem today as it had been in the past. My Caste Hindu friends will remember that we discussed this point before I accepted office, and we expected that this question would be solved but it has not yet been solved. I hope Sir Nazimuddin will give attention o this problem and solve it once for all.

Mr. SPEAKER: That is no personal explanation at all. I hope you have finished.

Mr. ATUL CHANDRA KUMAR: With regard to other matters in Sir Nazimuddin's programme, I must say that the release of political prisoners as moved with a snail-slow speed. The speed that followed in the provinces uled under section 93 is better than the speed in Bengal. And in view of he judgment of the Federal Court the pace ought to have been accelerated. There is the steel-frame of the Indian constitution through which, with the oint efforts of all the Indian Ministers and their Parliamentary Secretaries, a very small hole could be bored through for bringing out only a few from

their life of indefinite detention. The promise of reviewing their cases has been a sham. I do not fail to take account of the war, but has there been a single case where the action of a released security prisoner impeded war effort? I take the case of Sj. Sasanka Sekhar Sanyal——

Mr. SPEAKER: Order, order. I cannot allow you to mention individual cases.

Mr. SANTOSH KUMAR BASU: Sir, we strongly protest against this attitude of yours. These are major matters of difference of opinion upon which he has resigned. His resignation covers the entire ground of ministerial lapses. I think you will kindly hold that every word he is uttering is perfectly relevant.

Mr. SPEAKER: I am constrained to say that he has said many things which infringe the rules. He has said many things which are admissible but, at the same time, has introduced many things which are not relevant and admissible or permissible under the rules. That is my firm conviction. It is only when he has brought in matters which, according to me, are not permissible, that I have tried to interfere. It may be, you may not agree with me: that is a different matter altogether. But I think I have never interfered where I have considered him to be relevant and when I have considered that he has been talking on matters which are admissible and permissible under the rules.

Mr. SASANKA SEKHAR SANYAL: While on this point, may I draw your attention, Sir, to a resignation that took place some time back when Mr. Nausher Ali resigned from the Cabinet? May I request you to place yourself in the position of that Mr. Nausher Ali and consider what happened at that time?

Mr. SPEAKER: Will you kindly resume your seat? That is quite a different matter. You are introducing the matter of my resignation from the Ministry, but you know perfectly well that I made no statement whatsoever.

Mr. SASANKA SEKHAR SANYAL: Sir, since you have permitted him to make a statement, you should allow him to make a statement relevant to the question that precipitated his resignation.

Mr. SPEAKER: That does not require to be stated.

Mr. SASANKA SEKHAR SANYAL: Sir, we have appreciated your permission to make a statement, but unfortunately there have been so many interruptions——

Mr. SPEAKER: I am sorry, there have been unnecessary interruptions. Have you finished, Mr. Kumar?

Mr. ATUL CHANDRA KUMAR: No, Sir. Before I state the reasons of my resignation, I think it my duty to state one particular reason that made me resign, and that is the failure of the present Ministry to keep up its promise in the matter of release of political prisoners. In this connection the case of my Leader, Sj. Sarat Chandra Bose, comes very prominently before my mind. So far as the Bengal Swarajya Party is concerned, so far as the co-operating Hindu Party in the Assembly is concerned, he was our Leader. One of our conditions for joining Sir Nazimuddin was that attempts would be made for Sj. Bose's release or in any case he should be repatriated to Bengal within a reasonable time. And I think, Sir, twelve months' time is quite a reasonable period within which to redeem the promise. That hope of ours has been completely belied.

According to our statement dated the 20th April, 1943, I have realised my mistake and therefore I did not hesitate to retrace my step. I hope those who have not realised their mistake as yet, will do so in no time.

Mr. JATINDRA NATH CHAKRABARTY: Mr. Speaker, Sir, I hope you would extend the same privilege to me as well.

Mr. SPEAKER: One thing I would like to tell you is, you need not and you should not repeat what has been stated by Mr. Kumar. You can give your own reasons.

Mr. CHARU CHANDRA ROY: মাননীয় স্পীকার মহোদয়, আমি সবিনয় নিবেদন করছি যে যতীন বাবু ভিন্ন লোক, সুতরাং তাঁর ভিন্ন কারন থাকতে পারে resignationএর।

Mr. SPEAKER: That is exactly what I am telling him.

Mr. CHARU CHANDRA ROY: মাননীয় স্পীকার মহোদয়, তিনি personal explanation হিসাবে এটা বলতে পারেন।

Mr. SPEAKER: That can be stated in one word.

Mr. JATINDRA NATH CHAKRABARTY: Mr. Speaker, Sir, having resigned the office of the Parliamentary Secretary to the Government of Bengal, I think I owe an explanation to this House and to the Constituency which returned me to the House.

Sir, it is just over a year ago that I, with four other colleagues of the Congress Group, joined the Coalition formed by the Hon'ble Sir Nazimuddin. The public statement of his policy, made by him on the eve of the formation of his Ministry, appeared to us to be a workable proposition and we were actuated by a desire to give it a fair trial. Our experiences during the past one year have, however, been a sad disillusionment of the hopes that were raised by the public statement of Sir Nazimuddin. Among other things, he definitely assured us a better and more sympathetic handling of the question of the political prisoners. In spite of his definite promises the problem stands where it was in the past and we could see no change in the outlook and attitude of his government towards this hapless problem. He visualised an era of communal peace and harmony when controversial matters likely to cause bitterness among the communities would be eschewed or at least kept in the background. When we joined him the province had just recovered during Mr. Fazlul Huq's Progressive Coalition Ministry from the communal virus which vitiated the whole atmosphere of Bengal and we, particularly those of us who hailed from mofussil, apprehended a recrudescence of communal disorder as in the past The public declaration of a policy of communal peace and harmony by Sir Nazimuddin raised in us hopes that in his government communal differences would be adjusted in a spirit of mutual tolerance and accommodation and that there would be no attempt to use the power which we assisted in placing in his hands to secure communal or party purposes. Contrary to our hopes we have been witnessing once again the sad spectacle of serious communal disorders in different parts of the province.

The Secondary Education Bill, now before the House, has brought the issues to a crisis. Education must be above communities, above political parties. Instead, we notice in the Bill an undue insistence on the separation of the communities in the constitution and working of the proposed Board of Secondary Education.

In its present form, the Bill cannot but accentuate communal bitterness and disagreement. It aims at communalising and officialising education, which, for the sake of a sound educational system, must be avoided at all costs. Moreover, it does not give us any workable plan for the improvement of the secondary education in the province, and without such a scheme the change of the present system appears to be uncalled for, particularly under the present emergent conditions and at a time when a comprehensive plan, such as the Sargent scheme of educational reconstruction, is under the consideration of the Government of India. Separation, not unification, and

officialisation appear to be aims of the Bill and as such it means a real death-blow to Indian nationalism. Apart from other defects, the Bill is bound to lower the standard of secondary education, which, as it is, is unsatisfactory even now. It is likely to introduce communal ratio in educational services in schools and this cannot but prejudicially affect efficiency of teaching and impartiality in examination.

In spite of the united protest of the Hindus and of a large section of the Muslim community, in spite of the rejection of the Bill by prominent educationists and educational bodies, the Ministry is trying to rush the Bill through the Legislature by sheer force of numerical strength. No wonder that this pernicious measure has evoked universal protest and resentment, which are growing in volume and intensity from day to day. It is no use to take stock of the other matters of considerable public importance in which the Ministry has failed to keep up to its declared policy. I trust, the ideal of national solidarity and communal unity, preached and propagated by the Congress, will be realised through education and a determined onslaught on it, such as the present Bill is, is a direct negation of the very principles for which we have been striving for such a long time past. Under these circumstances, Sir, I have thought it my duty to sever my connection with the Ministerialist party and to resign my office of the Parliamentary Secretary. (Cheers from Opposition benches.)

Point of order on the adoption of the closure motion.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir,——

Mr. SPEAKER: I am allowing you and I hope you remember what you told me in my chamber. Yes, go on.

Dr. NALINAKSHA SANYAL: Sir, I have never forgotten all the courtesy that we on this side have received from you and I can assure you, Sir, that so far as we are concerned you will have the courtesy in return and the dignity of the Chair will be maintained. But, Sir, there are occasions when even with the best respect and regard for your person as well as for the Chair matters do come to a position when it may be impossible for us to accept a certain situation for graver national interest.

Mr. SPEAKER: That is all right. You need not dilate on that.

Dr. NALINAKSHA SANYAL: You reminded me of the same, that is why I have to explain. We hope, Sir, that you will not take such occasion amiss.

Sir, on the last occasion, that is, on the 30th May last, I was trying to explain why in our humble opinion the alleged closure that was adopted by the House on the 25th May was irregular and why in our humble submission you should reopen that question and should allow the debate on the amendments to the motion of the Hon'ble Minister in charge on secondary education, that is, consideration motion, to be further discussed.

Sir, in that connection I submitted that so far as the right of closure is concerned, the rules of this House are clear and it would amount to an abuse of the rule itself if contrary to the three distinct limitations imposed in the rule, you would in your wisdom permit the closure to be moved by or at the instance of Government without taking recourse to the argument that there has been enough debate.

Sir, I will not take your time by repeating most of those arguments. I would only conclude today by inviting your attention to one matter which I could not find time the other day to bring to your notice. I have already explained how in my humble opinion the closure by a mere majority is not meant as a genuine parliamentary reform. It is a political engine of suppression and a partisan device. The question as to whether the closure

should at all be left in the hands of the House by majority to decide or to the Speaker to finally decide in his own inherent right was a question that was fully debated in the House of Commons as well as in other parliaments years ago and after very prolonged debate it was agreed that the right to accept a closure must be left with the Speaker because the majority is always otherwise likely to abuse the right of closing a debate and strangulate discussion and prevent the minority from giving expression to their voice of opposition. In that sense, Sir, I submit to you that even if the opinion of the House was taken by you which we humbly submit was not audible to us nor did we take any part in such decision, yet even if you feel that the House gave a decision, I would invite your attention to the position that the House by a majority has really no binding authority on you in the matter of closure. In fact, the rule is so worded that even if the House by a majority accepts the closure motion, you are free either to take it up immediately or not. You are as Speaker entitled to either put the thing straightaway or you can allow the Minister in charge of the department to reply and in certain cases also the original mover to have his right of reply. That shows that even the majority decision of the House is circumscribed in the rule itself by certain conditions which give you perfect freedom either to accept it straightaway or not to accept it.

Sir, there is a further authority in my argument in this respect. In the Speakers' and Presidents' Conference which was held in January, 1929 —and is regularly held from time to time—as early as that, the Speakers and the Presidents of the various legislative bodies in the country assembled and debated this very question. This specific issue was posed to them the question that is recorded in the minutes of that meeting is specifically this: "Can the Speaker after having accepted the closure motion revoke its decision and allow the debate to continue". That was the specific and pointed question put to the conference of Speakers and Presidents all over India and in that conference they decided almost unanimously that the Speaker has perfect freedom to reopen the question at any stage and, Sir, the recorded decision of the conference in the minutes I shall quote. The minutes run thus: The conference with the exception of the Punjab President accepted the view put forward by the President, Legislative Assembly, that in a proper case the President might revoke his former decision to accept the closure before the reply is given but not after the final reply.

The President of the Punjab Council dissented from this view, but his dissent was interesting. His dissent was not on the question as to whether the Speaker can revoke his decision or not, he goes one step further. He said that even after the final reply the Speaker has a right to revoke. Here is the relevant quotation. The President of the Punjab Council dissented from this view and quoted May's Parliamentary Practice to show that in the House of Commons the first decision could be revoked even after the final reply was given" So that all the Presidents and Speakers were unanimous on the first question as to whether the Speaker can revoke his decision or not, but while other Speakers and Presidents agreed that the Speaker could revoke before the final reply was given, the Punjab President went a step further. He thought that even after the final reply was given, he could allow members to go on and proceed with the debate.

In view of this, Sir, I feel that you will be perfectly within your rights, if you are otherwise convinced by the logic of the case, to reopen the debate and permit discussions to go on.

I would conclude by only one appeal to you and through you, to the House. It has been pointed out both by eminent jurists and Parliamentarians as well as by statesmen and politicians that debate and discussion stand as a bedrock of Parliamentary democracy. If debates and discussions are stultified, we will approach the dictatorship and the Nazi rule which is so much abhorred and for which the united

nations are fighting today. I do hope that your conduct and the conduct of the House will not be such as would prevent free expression of opinion and will limit the right of debate thereby leading to an absurd position and I would also hope and trust that there will be no occasion for suppression of opinion in this House which may indirectly lead to terrorism and outburst of a different character. In this House we have so far conducted ourselves with the greatest possible restraint and dignity (Cries of "oh, oh" from the Ministerialist Party) and I give credit for this restraint both to the Government party as well as to the Opposition. (The Hon'ble Mr. H. S. SUHRAWARDY: You prevented Mr. Goswami from speaking, and you are speaking of liberty of speech.) (A VOICE: No; licence.) The question of restraint is contested by some of my friends on the Government side. I am prepared to concede to my friends on that side that so far as they are concerned, they are not prepared or they did not really mean to exercise restraint but I can assure them that if the House was not permitted to go on with the debate in the manner that you had very kindly allowed it to go on during the last few days, not only things would have been very bad here but worse outside. This is not a matter of threat and I do hope that friends on the Government side realise the consequences of any other measure which might have been thought of by some of them in their angry moments.

Mr. SPEAKER: Don't bring in this matter.

Dr. NALINAKSHA SANYAL: As a matter of fact, Sir, I have already stated; it is far from my mind today to hold out any threats. It is my humble submission to you, Sir, that you would in your wisdom consider that day's closure motion to have lost its force. I am not really asking you even to question your decision, nor am I challenging your authority, but I am imploring you with all the emphasis that I can command to act in a manner that is recognised in other Parliaments. And even if you hold, Sir, that the debate that day did terminate with the closure motion, you will be entirely within your right to reopen the debate, and I appeal to you that you would kindly allow the leaders of this House to have their observations on the very important measure which has agitated the country so very much. While on this I would also appeal to you and to the Government not to embarrass the position and embitter feelings by seeking to put up any particular member or members who may be obnoxious for whatever reasons it may be and I would appeal to that member also not to try to be unnecessarily obtrusive in this respect and to allow the proceedings of this House to be conducted in a manner that everyone of us would like to be conducted. The Hon'ble Mr. Suhrawardy who is a champion of liberty, I suppose, claims——

Mr. SPEAKER: We have got nothing to do with Mr. Suhrawardy, Dr. Sanyal. We are now dealing with the closure motion. Let us confine ourselves to that point only.

Dr. NALINAKSHA SANYAL: He was talking of liberty of speech and somebody said "No; licence". He was more an authority on licence than on liberty—a libertine. (Khan Bahadur MOHAMMED ALI: Were you his companion?) So far the difference between licence and liberty is very thin. At some stages people take undue liberty. It may lead to licence, but that is a separate matter.

Another point is that there may be a lurking feeling in your mind that in case you reopen this debate——

Mr. SPEAKER: Dr. Sanyal, you need not enter into my mind at all. You can only make your submissions.

Dr. NALINAKSHA SANYAL: My submission is that in order to make your position stronger I am assuring that there may be certain embarrassments that may be in your mind in coming to a decision and if it is your

feeling that in case you accept our logic, there may be certain circumstances which may make it difficult for you to carry on the work of the House at a later stage; I would appeal to you, Sir, not to be bothered in your decision with arguments or considerations of that character. You have to do your duty as a Judge, as one who is to hold the balance equal between one side and the other. Whatever may be the consequences it is none of your business to consider them. The other day in the High Court of Calcutta when the Judges of the High Court had come to a decision on the habeas corpus applications of the security prisoners——

Mr. SPEAKER: Dr. Sanyal, don't bring in that question at all. There may be some analogy, but that analogy does not hold good. It may be that I have got to hold the balance even, but I have got to see that the business of the House is carried on.

Dr. NALINAKSHA SANYAL: I was only comparing the analogy of a Judge who gives a decision but who does not look to the consequence.

Mr. SPEAKER: You need not dilate upon that. That is not at all necessary or relevant. I hope you have finished.

Dr. NALINAKSHA SANYAL: I want three minutes more, Sir. (Interruption.) My submission is that if the gentleman whose appearance on the scene created such a situation that the fair name of the House was in danger and the debate could not be conducted in a manner that all of us desired, if that gentleman stays out of the picture now, there will be no trouble at all, and therefore the responsibility, if any, that may result from the insistence of certain member or members to put that member up for speaking in the House again will be theirs; and if there is any untoward expression of feelings in this House subsequent to that or any incident following the same, the responsibility will not be either of yours or of this side but of theirs.

Mr. SPEAKER: That is all right I suppose you have finished.

Dr. NALINAKSHA SANYAL: Therefore, Sir, I appeal to you to give your ruling entirely on the basis of arguments, of logic, of the rules of procedure, and we are perfectly certain that in case you find that certain members of the Government Party are so unreasonable as to create difficulties in your way, the remedy will be in your hands. You will be free to adjourn the House *sine die*. (Cries of "ha", "ha" from the Government benches.) They may cry "ha", "ha" little knowing the power the Speaker possesses. I will request you to exercise all your influence, if you have any, with the high quarters to see that their conduct may be kept within certain limits so that the business of the House may be permitted to go on without disturbance and without undue heat and acrimony. We appeal to you and through you to the Government and the House to see that they do not try to introduce matters which are absolutely irrelevant, and even without which the work of the House can go on. Sir, you kindly allow the House to debate on the Secondary Education Bill motion, and you kindly permit the leaders of the opposite party——

Mr. SPEAKER: Dr. Sanyal, allow somebody else to speak.

Dr. NALINAKSHA SANYAL: I am very grateful to you, Sir, for the patient hearing you have given me. I only conclude by saying that it was not with a view to challenge your decision——

Mr. SPEAKER: I know that.

Dr. NALINAKSHA SANYAL: It was not with any idea of questioning your decision but only with a view to throw more light on the question that I laboured hard. With these observations I appeal to you to kindly treat the closure motion that was moved on that day to apply only to the attempted

speech of the Hon'ble Mr. T. C. Goswami and thereby treat that speech to be closed and allow the proceedings thereafter to go on without interruption. I suppose the threat of the Chief Minister in that respect will be withdrawn in his generosity. After all he is the Leader of the House and I hope there will be no trouble created by the members of his party if leaders on this side continued the debate which was unfortunately terminated abruptly.

Mr. KIRAN SANKAR ROY: Mr. Speaker, I would like to know how long you propose to sit.

Mr. SPEAKER: We will sit till 7. You may begin.

Mr. KIRAN SANKAR ROY: Mr. Speaker, I thank you very much for the assurance you gave us the other day that we would be permitted to speak on the point of order. I propose to refresh your memory and the memory of the members of this House about the incidents which led to the closure motion. I shall be very careful and I shall relate the incidents without any comment, and it is far from my purpose to rouse passions. You will remember, Sir, that there was a very tense atmosphere in the House when the Hon'ble Mr. T. C. Goswami rose to speak. Whatever may be the reasons and I need not go into them, the Opposition was not inclined to give Mr. Goswami a hearing. The disturbance continued, and then in the midst of the disturbance the closure motion is alleged to have been moved and put to vote. Now, Mr. Speaker, the ground, as I understood, for the closure motion was this—that the disturbance was so great that the debate could not proceed any further. Mr. Speaker, you will remember that the Opposition leaders were ready to speak. The Opposition was not inclined to hear Mr. Goswami, but was very anxious to hear the Hon'ble Mr. Tamizuddin Khan; they were anxious to hear the Leader of the House, Sir Nazimuddin; they were anxious to hear Mr. Hendry. Therefore, I am sure if Mr Goswami had not persisted in speaking, the debate would have proceeded peacefully and all these gentlemen who wanted to speak would have spoken. If it is said, Sir, that the disturbance was too great for a peaceful and proper debate, surely that is an argument against putting the closure motion. Sir, the disturbance was such that voting could not take place. Mr. Speaker, during my long political career I have seen resolutions being passed in this way. But surely the procedure that is sometimes adopted in public meetings, in rowdy political meetings cannot be the same as you, Sir, would like to follow in this House. As a matter of fact, Sir, while you were putting the closure motion to vote, as it is claimed it was put, we on this side of the House at least could not hear anything. I personally can say that.

Adjournment.

The House was then adjourned at 7 p.m. till 4 p.m on Wednesday, the 7th June, 1944, at the Assembly House, Calcutta

Proceedings of the Bengal Legislative Assembly assembled under the Provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 7th June, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 11 Hon'ble Ministers and 187 members.

Consent to an adjournment motion.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, as the Whip of the Congress Party, I demand why consent was not given to the motion for adjournment given notice of by an esteemed member of this party, Mrs. Nellie Sen Gupta, relating to the very high rise of price in Chittagong. Sir, I have taken this unusual step to address you earlier, before the question time, so that immediately the question time is over you can revise your decision and give the necessary consent.

Mr. SPEAKER: Dr. Sanyal, your conduct is not proper. This is an improper conduct. I hope you will not persist.

Mr. SASANKA SEKHAR SANYAL: On a point of order, Sir. It appears that your attitude is unusual today from the very beginning.

Mr. SPEAKER: This is not the time to raise that question.

Mr. SASANKA SEKHAR SANYAL: You could have said as much.

Dr. NALINAKSHA SANYAL: When is the proper time, Sir?

Mr. SPEAKER: Please sit down.

Dr. NALINAKSHA SANYAL: On a point of order, Sir.

Mr. SPEAKER: No point of order arises. Your conduct is going to be disorderly.

STARRED QUESTIONS

(to which oral answers were made)

Extension of service granted to Accountant, Dacca Central Jail.

***383. Maulvi MD. ABDUL HAKIM VIKRAMPURI:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether the retirement of the Accountant, Dacca Central Jail, is overdue now;

(*b*) whether he has been allowed any extension of service; and

(*c*) if so, how many extensions he has been granted and why?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) Yes.

(*c*) He has been granted an extension of service for one year in the public interest.

Mr. SHAHEDALI: Will the Hon'ble Minister please state how old the Accountant is?

Khan Bahadur MOHAMMED ALI: He attained the age of 55 years in June, 1943.

Mr. SHAHEDALI: Will the Hon'ble Minister please state the number of extensions that have been granted?

Khan Bahadur MOHAMMED ALI: So far, he has been given one extension and the period of extension expires in June this year when the Inspector-General of Prisons proposes to give him another extension for six months.

(As soon as starred question 384 was called.)

Point of Order.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. You have been pleased to call me names and you have said that my conduct is improper. May I enquire with your permission whether you will kindly refer to the rules?

Mr. SPEAKER: I am not going to refer to any rule.

Mr. ATUL CHANDRA SEN: How do you call it disorderly?

Mr. SPEAKER: Order, order. Will you kindly resume your seat?

Mr. ATUL CHANDRA SEN: Your language is improper.

Mr. SPEAKER: It is not.

Mr. HARIPADA CHATTOPADHYAY: Sir, we expect from you good manners as a gentleman. We are not school boys.

Mr. SPEAKER: Please resume your seat. If you rise again in this way, that will be disorderly.

Mr. ATUL CHANDRA SEN: His language is not disorderly, but your language is disorderly.

Number of security and State prisoners.

***384. Mr. PRATUL CHANDRA GANGULI:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the Table a statement showing up to date—

(*i*) the number of—

(1) security prisoners, and

(2) State prisoners,

detained under rule 26 of the Defence of India Rules under Regulation III of 1818 in Bengal Jails for political reasons; and

(*ii*) the number of security prisoners released since the assumption of office by the present Ministry, month by month?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of releasing all the security prisoners?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state when it is likely to be given effect?

(*d*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

(*e*) Will the Hon'ble Minister be pleased to state—

(*i*) the present number of members of the Legislative Assembly that are still in jail as—

(1) security prisoner, and

(2) State prisoner;

(*ii*) the present number of women detained in jail as security prisoners for political reasons;

(*iii*) the present number of security prisoners and State prisoners who are in jail for over three years for political reasons; and

(*iv*) the number of security prisoners and State prisoners arrested and detained in jails outside Bengal, at the instance of the Bengal Government?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) (1) 1,277 and (2) 16, on 12th May, 1944.

(*ii*) 533 up to 23rd May, 1944. [Figures month by month are not readily available.]

(*b*) No.

(*c*) Does not arise.

(*d*) The cases of all security prisoners are being reviewed and those whose continued detention is considered necessary obviously cannot be released.

(*e*) (*i*) (1) Seven and (2) three.

(*ii*) Seventeen.

(*iii*) One hundred and sixty-nine.

(*iv*) One.

Mr. ATUL CHANDRA SEN: With reference to answer (*e*) (*i*), will the Hon'bl Minister please state if Government will consider the desirability of taking steps to enable the M.L.A. detenus to attend the House and take part in the proceedings regarding the Secondary Education Bill or put them on trial forthwith?

Khan Bahadur MOHAMMED ALI: No, Sir.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister please state why no action will be taken?

Khan Bahadur MOHAMMED ALI: In the interest of public safety and public security

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister please explain what he means by "in the interest of public security"?

Khan Bahadur MOHAMMED ALI: The honourable member should understand what is meant by that expression

Mr. ATUL CHANDRA SEN: My question is how public security will suffer by allowing these members to attend.

Khan Bahadur MOHAMMED ALI: For obvious reasons.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister please state what are the obvious reasons?

Khan Bahadur MOHAMMED ALI: I cannot say.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if the obvious reason is the possible defeat of Government?

Khan Bahadur MOHAMMED ALI: No, Government have a comfortable majority.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if the present Government is apprehensive that their presence in this House might win over some members so that the present Government may lose their majority?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state whether the Bengal Government has got sufficient police force to keep seven or eight members of this House under proper watch when they attend this House?

Khan Bahadur MOHAMMED ALI: Members of the Opposition have been released during the regime of the present Ministry when their detention was not considered necessary.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if the public security has been endangered by the release of the members of this Assembly who were formerly detained by the Government on the precious plea of public safety being in danger?

Khan Bahadur MOHAMMED ALI: Because Government thought that the public safety would not be in danger, they released the members of the Opposition though they were put in prison by the previous Ministry?

Dr. GOBINDA CHANDRA BHAWMIK: Will the Hon'ble Minister please state whether an M.L.A. who has been recommended by the Intelligence Branch has not been released?

Khan Bahadur MOHAMMED ALI: No.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister please state who have been reviewing the cases of these political prisoners?

Khan Bahadur MOHAMMED ALI: Security Advisers of Government.

Mr. SASANKA SEKHAR SANYAL: With reference to answer (*c*) (*iii*), will the Hon'ble Minister please state, out of the one hundred and sixty-nine cases referred to, how many have been reviewed by any Tribunal; if so, whether the report of the Tribunal has been acted upon?

Khan Bahadur MOHAMMED ALI: I ask for notice

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state whether a Tribunal was constituted for reviewing the cases of the security prisoners who are in detention for more than three years?

Khan Bahadur MOHAMMED ALI: Lately? No.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state whether a Tribunal was constituted before 1943 with the object of reviewing the cases of political prisoners who are now in detention for more than three years?

Khan Bahadur MOHAMMED ALI: Yes, Sir.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state how many cases did they examine?

Khan Bahadur MOHAMMED ALI: I am afraid, I cannot disclose that.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state if they submitted any report in respect of the prisoners who were arrested before the disturbance of August, 1942?

Khan Bahadur MOHAMMED ALI: Yes.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state whether the Government is in possession of the said report?

Khan Bahadur MOHAMMED ALI: Yes, Government is in possession thereof.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state if the Government has implemented any of the recommendations contained in the said report?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to the statement made by the then Home Minister when he could not implement the recommendations of the Tribunal.

Mr. SASANKA SEKHAR SANYAL: We are aware of the statement of the then Home Minister, but we are concerned with the Government policy with regard to these detenus now. In view of that, will the Hon'ble Minister please state if any portion of the report of this Tribunal has been acted upon by the present Government?

Khan Bahadur MOHAMMED ALI: I am afraid, I cannot disclose that.

Mr. SASANKA SEKHAR SANYAL: Is it the policy of the Government not to follow any portion of the report of the Tribunal?

Khan Bahadur MOHAMMED ALI: I have nothing further to add. I cannot disclose it.

Mr. ATUL CHANDRA SEN: With reference to answer (*c*) (*ii*), will the Hon'ble Minister be pleased to state whether these 17 women security prisoners include Mrs. Leela Roy?

Khan Bahadur MOHAMMED ALI: Yes, she is a security prisoner.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister consider the desirability of releasing Mrs. Leela Roy in view of her present state of health?

Khan Bahadur MOHAMMED ALI: She is receiving the best possible medical attention

Sj. NARENDRA NATH DAS GUPTA: With reference to reply (*c*) (*iv*), will the Hon'ble Minister be pleased to state the name of the gentleman who has been detained in jail outside Bengal?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. ATUL CHANDRA SEN: From the answer given by the Hon'ble Minister do I understand him to say that the release of Mrs. Leela Roy in her present state of health will in any way jeopardise the security of the State?

Khan Bahadur MOHAMMED ALI: It is not in the public interest to release her now.

Mr. ATUL KRISHNA GHOSE: With reference to answer (*c*) (*iv*), will the Hon'ble Minister be pleased to state, if he cannot give out the name, under what circumstances the Government of Bengal asked for the detention of that gentleman outside Bengal?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state the name of the jail where this gentleman is being detained?

Khan Bahadur MOHAMMED ALI: I have asked for notice about that gentleman and for any reference about him I must also ask for notice.

Mr. ATUL KRISHNA GHOSE: I admit he may require notice about the name of the gentleman, but he has been detained outside and I would like to know what were the circumstances which compelled the Government of Bengal to instruct some other Provincial Government to detain that gentleman—that he must know.

Khan Bahadur MOHAMMED ALI: This detention occurred during the time when the honourable questioner was supporting the Government.

Grant of family allowance to security prisoner Srijut Nirmal Kumar Chatterjee.

*385. **Rai HARENDRA NATH CHAUDHURI:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) under which law Srijut Nirmal Kumar Chatterjee of Kamarhati (24-Parganas) has been detained as a security prisoner and since when;

(*ii*) whether it is a fact that he was arrested while he was working in the Calcutta Office of Messrs. Turner Morrison and Company, early in May, 1943;

(*iii*) whether it is a fact that he has made repeated applications for allowance for his family; and

(*iv*) whether it is a fact that he was maintaining by his earning a family consisting of a widowed grandmother, a widowed mother and such other helpless persons?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether any family allowance has been granted to him;

(*ii*) if so, when; and

(*iii*) if not, why not?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) Babu Nirmal Kumar Chatterjee has been in detention under Regulation III of 1818 since 7th July, 1943.

(*ii*) and (*iii*) Yes.

(*iv*) The State prisoner before his arrest was maintaining his widowed mother and grandmother.

(*b*) (*i*) and (*ii*) Yes. A family allowance of Rs. 25 per mensem was sanctioned to the prisoner on 17th December, 1943, with effect from 10th May, 1943. This has been increased to Rs. 30 per mensem on 12th May, 1944, with effect from 1st December, 1943.

(*iii*) Does not arise.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state what was his earning before his arrest?

Khan Bahadur MOHAMMED ALI: His earning was Rs. 35 per month from the Turner Morrison and Company.

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister aware that he had supplementary income?

Khan Bahadur MOHAMMED ALI: No, Sir.

Khan Bahadur SHAH ABRUR RAUF: Will the Hon'ble Minister be pleased to state what amount Government has spent to meet the cost of security prisoners during the last financial year?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Detention of under-trial prisoners in Tamluk Sub-Jail.

*386. **Babu RADHANATH DAS:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state for how many months the following gentlemen have been kept in the Tamluk Sub-Jail as under-trial prisoners, viz.,—

(*i*) Sj. Subodh Chandra Samanta of Mahisadal police-station;

(*ii*) Sj. Bepin Behari Maity of Mahisadal police-station;

(*iii*) Sj. Aewini Kumar Dutta of Daspur police-station; and

(*iv*) Sj. Banbehari Barik of Nandigram, Mahisadal police-station?

(*b*) Whether Government are considering the desirability of taking steps for their early trial?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) From 16th August, 1943, to 15th November, 1943.

(*ii*) From 31st August, 1943, to 15th November, 1943.

(*iii*) From 16th June, 1943, to 15th November, 1943.

(*iv*) From 15th May, 1943, to 28th December, 1943.

(*b*) Their trials have already been completed.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why such long period of detention was involved in cases, particularly of Nos. (*ii*) and (*iv*)?

Khan Bahadur MOHAMMED ALI: It must have been necessitated because the trial took some time.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why the beginning of the trial took long time?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. GOBINDA CHANDRA BHAWMICK: Will the Hon'ble Minister please state whether it is a fact that there are many undertrial prisoners still in Midnapore sub-jail for more than 16 months?

Khan Bahadur MOHAMMED ALI: I am not aware of it. I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what machinery is there to find out that a person who is kept under trial is not detained one day longer than is found absolutely necessary to repare the trial?

Khan Bahadur MOHAMMED ALI: The officers of Government take particular care to see that they are not unnecessarily kept in detention.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that complaints have been made on the floor of the House as well as through petitions outside drawing attention to the continued detention of a larger number of undertrial prisoners during the present régime than previously?

Khan Bahadur MOHAMMED ALI: No, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the present Minister or Ministers have been sleeping when allegations of this character were made on the floor of this House during the last budget session?

Khan Bahadur MOHAMMED ALI: No, Sir.

Dr. NALINAKSHA SANYAL: What were they doing when their attention was drawn to this?

Khan Bahadur MOHAMMED ALI: Lot of frivolous allegations are always made and it is not possible for Ministers to pay attention to all of them.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any enquiry was made to find out whether all these allegations are, as alleged, frivolous?

Khan Bahadur MOHAMMED ALI: Had there been any truth in those allegations Government would have received reports of complaint outside the Assembly chamber. No such complaint was received.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that Government had received long petitions from several undertrial prisoners in Alipore Central Jail in that connection?

Khan Bahadur MOHAMMED ALI: I was referring to general cases. If there are specific instances Government would take notice of them.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what action has Government taken on the petitions made by the prisoners in Alipore Central Jail in that connection?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the Government think that it is only their duty to call members names in this House and then sleep over it and enjoy their salary——

Mr. SPEAKER: Order, order. That question does not arise.

Sj. NARENDRA NATH DAS GUPTA: With reference to answer (*a*)(*iv*), will the Hon'ble Minister please state the reason which necessitated his detention in the *hajat* for so long a period?

Khan Bahadur MOHAMMED ALI: Because it was considered necessary for conducting the case.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister please state why it was considered necessary to detain him for so long a period unusually long period?

Khan Bahadur MOHAMMED ALI I ask for notice

Srijut MANINDRA BHUSAN SINHA: Can the Government give us the result and the date of trials in each case?

Khan Bahadur MOHAMMED ALI: Yes, Sir.

Srijut MANINDRA BHUSAN SINHA: Will the Hon'ble Minister be pleased to state what are the dates of the trial and the results of the trial of these prisoners?

Khan Bahadur MOHAMMED ALI: Sj. Subodh Chandra Samanta was committed to the Court of Sessions on 12th October, 1943, and was acquitted on 8th February, 1944; Sj Bepin Behari Marty was committed on 15th November, 1943, and acquitted on 8th February, 1944; Sj Aswini Kumar Dutta was committed on 15th November, 1943, and acquitted on 8th February 1944; Sj. Banbehari Barik was convicted on 11th December, 1943, and was transferred to the Midnapore Jail on 28th December, 1943.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state in brief of all the convicts how many were released and how many were detained?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to the reply just now given

Mr. ATUL KRISHNA GHOSE: With reference to the reply just now given, will the Hon'ble Minister be pleased to state how is it that when almost all the prisoners are being released by the judicial authority, these prisoners were detained for an unduly long period of time and under whose instructions?

Khan Bahadur MOHAMMED ALI: I think the honourable member is sufficiently acquainted with the criminal administration of the province. I might say that one of the persons detained was convicted.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what were the criminal charges against those persons, whether a petition for bail was moved and whether that petition was sanctioned or not?

Khan Bahadur MOHAMMED ALI: There are three questions. I ask for notice for all these three questions.

Mr. ATUL CHANDRA SEN: Is the Hon'ble Minister aware that long detention of these prisoners as undertrials for an inordinate length of time has of late caused a great congestion in the Bengal jails?

Khan Bahadur MOHAMMED ALI: I do not accept the word "of late". Sometimes and occasionally the prisoners have to be detained for trial for some time.

Mr. ATUL KRISHNA GHOSE: In view of the fact that most of these prisoners were released, will the Hon'ble Minister be pleased to consider the desirability of making an enquiry whether Police deliberately kept them in detention for an unduly long period?

Khan Bahadur MOHAMMED ALI: That is not considered necessary.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state if the Government are ready to enquire into the allegation that these prisoners were detained in jail only to teach them lessons for their political activities?

Khan Bahadur MOHAMMED ALI: No, Sir. That is not correct.

Number of students in the Arabic Department of Calcutta Madrasah.

*387. **Mr. MAQBUL HOSSAIN:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the Table a statement showing class by class on the 31st January, 1943, and 1944, respectively, the number of students in the Arabic Department of the Calcutta Madrasah?

(b) Will the Hon'ble Minister be pleased to state the amount spent annually for the maintenance of the Institution?

(c) Is the Hon'ble Minister considering the desirability—

(i) of abolishing the Junior Department of the Calcutta Madrasah, and

(ii) of utilising the amount for aiding the unaided Senior Madrasahs who are doing good works in the mufassal?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (a) A statement is laid on the Table.

(b) Rs.97,376 in 1942-43 and Rs.1,01,234 in 1943-44.

(c) The question of Madrasah education will be considered by the Post-war Reconstruction Sub-Committee for Education and Government will await the Sub-Committee's recommendations.

Statement referred to in reply to clause (a) of starred question No. 387 showing the number of students.

Class.	1943.	1944.
(1) Title Hadis and Tafsir, 2nd year	33	39
(2) Title Fiqh, 2nd year ..	9	6
(3) Title Hadis and Tafsir, 1st year	34	47
(4) Title Fiqh, 1st year	5	7
(5) Senior 4th year (A)	11	18
(6) Senior 4th year (B)	18	22
(7) Senior 3rd year (A) . ..	10	4
(8) Senior 3rd year (B)	12	6
(9) Senior 2nd year (A)	10	10
(10) Senior 2nd year (B)	11	9
(11) Senior 1st year	12	7
(12) Junior 6th year	3	4
(13) Junior 5th year	5	6
(14) Junior 4th year	5	4
(15) Junior 3rd year . ..	1	..
(16) Junior 2nd year	..	2
(17) Junior 1st year	..	2
Total ..	179	193

Dr. NALINAKSHA SANYAL: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether the question of madrasah education will, until the consideration of the Post-war Reconstruction Sub-Committee, be left over as it is now?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, it will not be left over. There may be some minor changes here and there, but so far as the large aspects of the question are concerned, they will be left over till the receipt of the report of the Reconstruction Sub-Committee.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that there is a large section of Muslims in this province who demand that madrasah education should be entirely separated leading up to collegiate education through an Islamic University?

The Hon'ble Mr. TAMIZUDDIN KHAN: There may be people who hold opinion like that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what action has been taken on the Madrasah Education Sub-Committee which reported sometime ago to the Government of Bengal?

The Hon'ble Mr. TAMIZUDDIN KHAN: The report was submitted long ago. The previous Ministry did not do anything. The present Ministry have referred the matter to the Post-war Reconstruction Sub-Committee.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the present Government is or has taken any action on the basis of the steps recommended by the authors of that report?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have already said that recently the Post-war Reconstruction Sub-Committee has been formed and the matter has been referred to that Sub-Committee.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pelased to state if Government is considering the desirability of referring the Secondary Education reforms also to the Post-war Reconstruction Sub-Committee in that connection?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir. So far as the question of reform is concerned, that will certainly be considered by the Reconstruction Sub-Committee.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if madrasah education is proposed to be brought within the purview of the proposed Secondary Education Bill?

The Hon'ble Mr. TAMIZUDDIN KHAN: I refer the honourable member to the provisions of the Bill.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that as the Bill now stands madrasah education is bound to come under the purview of the present Bill?

Mr. SPEAKER: That is a question of opinion.

Dr. NALINAKSHA SANYAL: That is why I first asked the question whether it will come under the purview of the present Bill, but he has referred me to the provisions. Will the Hon'ble Minister be pleased to state if he is aware that in the event of the present Bill being passed into an Act the question of separate arrangement for madrasah education will be sealed for ever?

Mr. SPEAKER: I disallow the question. It is a hypothetical question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government has any policy regarding an independent scheme for madrasah education in the province?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have already said that this matter has been referred to the Post-war Reconstruction Sub-Committee.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government have at present any scheme?

The Hon'ble Mr. TAMIZUDDIN KHAN: Government will await the decision or report of the Post-War Reconstruction Sub-Committee.

Dr. NALINAKSHA SANYAL: Am I to understand that the present Government have no such scheme?

The Hon'ble Mr. TAMIZUDDIN KHAN: Whatever scheme the Government may have they will not take any action until the Sub-Committee reports.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether Government can take any action upon the report of the Madrasah Education Committee apart from referring it to the Post-war Reconstruction Sub-Committee on the issues that await solution at the present moment?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have already said that on certain minor points action can be taken and Government is examining those things.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state the reason for the paucity of students in the junior section of the Calcutta Madrasah as compared to the senior section as is shown in the answer?

The Hon'ble Mr. TAMIZUDDIN KHAN: The answer is two-fold. As far as I know, it is only the poorest section of the community that generally go in for madrasah education and the poorer section of the community under present times have been hard hit. That seems to be one of the reasons. The other reason is that there are no proper feeder institutions from which students might come to the junior section of the Calcutta Madrasah.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether Bengali has been introduced as the vernacular in the junior section of the Calcutta Madrasah in the Arabic Department?

The Hon'ble Mr. TAMIZUDDIN KHAN: I ask for notice.

Khan Bahadur SHAH ABDUR RAUF: Will the Hon'ble Minister be pleased to state what amount is spent for maintaining the junior section of the Calcutta Madrasah?

The Hon'ble Mr. TAMIZUDDIN KHAN: It is very difficult to calculate what is spent for the junior section, because there are some teachers who teach in the junior section as well as in the senior section. It will require a good deal of complicated account to find that out.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister consider the desirability of making the junior section of the Calcutta Madrasah popular among the Muslims, particularly among the poorer section of the Muslims of Calcutta city?

The Hon'ble Mr. TAMIZUDDIN KHAN: Certainly, Sir.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether in view of the fact that the Arabic Department

of the Calcutta Madrasah attracts very few students—only 179—Government do not consider it necessary to abolish it altogether and distribute the money among the Mofussil madrasahs?

The Hon'ble Mr. TAMIZUDDIN KHAN: No.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state how many stipends there are reserved for junior as well as senior sections of the Calcutta Madrasah?

The Hon'ble Mr. TAMIZUDDIN KHAN: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the average expenditure per pupil for madrasahs other than the Calcutta Madrasah?

The Hon'ble Mr. TAMIZUDDIN KHAN: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the Calcutta Madrasah has been continuing is a rather costly luxury providing for less than 200 pupils of which only about 20 are in the Junior Section, at a cost of more than a lakh of rupees a year?

The Hon'ble Mr. TAMIZUDDIN KHAN: No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware that the Calcutta Madrasah is not sufficiently taken advantage of by the Bengali-speaking population of this Province?

The Hon'ble Mr. TAMIZUDDIN KHAN: No

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how many or what percentage of the students of the Calcutta Madrasah are reported to come from the Bengali-speaking population?

The Hon'ble Mr. TAMIZUDDIN KHAN: I cannot exactly say what the percentage is without notice, but the vast majority are Bengali speaking.

Control of price of vegetables.

***388. Mr. J. N. SMART:** (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state whether he is aware—

(*i*) that exorbitant prices are being charged for vegetables in Calcutta and other urban areas; and

(*ii*) that in Bombay the Bombay Government have taken steps to sell vegetables at controlled prices through Government shops?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, have been taken by Government to ensure that vegetables are available to the public in Calcutta and other urban areas at reasonable prices?

(*c*) Are Government considering the desirability of making arrangements for the sale of vegetables through Government shops in Calcutta at controlled prices?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

Mr. RASIK LAL BISWAS (on behalf of the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain): (*a*) (*i*) Yes.

(*ii*) Government have ascertained that the Government of Bombay have arrangements for the sale of vegetables in Government grain shops. Further details regarding the prices and distribution of the available supply have been asked for.

(*b*) and (*c*) Government have already ordered certain preliminary enquiries as regards the source of supply of vegetables to Calcutta and the difference in prices charged at the source and in the Calcutta market. A final decision will be taken as soon as the results of the enquiries are available.

(*d*) Does not arise.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state if he has now received complete details of the Bombay Vegetable Scheme?

Mr. RASIK LAL BISWAS: Complete details of the scheme have not yet been received, but it is expected that we will get them soon.

Mr. A. F. STARK: Will the Hon'ble Minsiter be pleased to state if it is a fact that the Bombay scheme has been very successful in reducing the price of vegetables and making available additional supplies to the public?

Dr. NALINAKSHA SANYAL: On a point of order, Sir. You did not allow another question which even in the remotest way could not be considered to be not in order, but here is a question which you have been pleased to permit It is a question relating to what the Bombay Government has been doing and you have allowed it because it has come from a European member.

Mr. SPEAKER: Certainly not. I did not catch him, but I do not think you are justified in putting the matter in the manner you are doing.

Mr. A. F. STARK: May I submit that the question refers expressly to the Bombay Vegetable Scheme and the reply also refers expressly to the same. So I submit that the supplementary question I put arises out of the main question and is quite in order.

Mr. SPEAKER: What is your supplementary question?

Mr. A. F. STARK: My question is: will the Hon'ble Minister be pleased to state if it is a fact that the Bombay Vegetable Scheme has been very successful in reducing the price of vegetables and making additional supplies available to the public?

Mr. RASIK LAL BISWAS: How far it has been successful cannot be said now.

Dr. NALINAKSHA SANYAL: How can the Minister be responsible for that?

Mr. SPEAKER: It is not a question of responsibility It is a question for eliciting information and therefore I allowed that.

Dr. NALINAKSHA SANYAL: May I invite your attention, Sir, to the Assembly Procedure Rules——

Mr. SPEAKER: I know the rules quite well. I have read them hundred times. You please sit down.

Dr. NALINAKSHA SANYAL: I would point out to rule 30——

Mr. SPEAKER: Will you please sit down? I have allowed that question and there cannot be any discussion on that.

Point of Order.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Rule 30—— (Interruption.)

Mr. SPEAKER: I cannot allow any point of order. I know the rules. As I said I am not going to allow any discussion. Please sit down.

Dr. NALINAKSHA SANYAL: Sit down?

Mr. SPEAKER: Yes, you sit down. I have already said I am not going to allow any discussion on that question. Don't persist in your interruption. (Interruption.)

Dr. NALINAKSHA SANYAL: Sir, rule 30——

Mr. SPEAKER: Again you are interrupting. Your conduct is disorderly.

Dr. NALINAKSHA SANYAL: I am only following your conduct. (A voice: It is a reflection against the Chair.)

Mr. SPEAKER: If you rise again in this way I shall take serious steps against you.

Mr. SASANKA SEKHAR SANYAL: May I make a submission?

Mr. SPEAKER: Order, order. I have got to maintain order in the House.

Mr. SASANKA SEKHAR SANYAL: You are here to check any erring member. Will you kindly advise us what we are to do when the Speaker himself is in an unusual mood?

Mr. SPEAKER: You are casting a reflection on the Speaker. Will you kindly withdraw that remark?

Mr. SASANKA SEKHAR SANYAL: I am prepared to withdraw that provided you modify your attitude towards the Opposition.

Mr. SPEAKER: I have been considering the case of the Opposition most sympathetically. I have exercised my discretion in their favour to the utmost latitude and I am prepared to give the Opposition whatever is due to them, and I will always do that. No question of any mood on the part of the Speaker arises. If any member be in any mood to create disturbance it will be my painful duty to see that no disturbance is created.

Mr. SASANKA SEKHAR SANYAL: My impression is that the Speaker is on the war path against the Opposition.

Mr. SPEAKER: That is again a reflection. Will you withdraw that?

Mr. SASANKA SEKHAR SANYAL: It is our impression and it is for you to undo that.

Mr. SPEAKER: I cannot undo an impression which is not based on facts. Dr. Sanyal rose immediately I came here. That was not proper as I already said. So I had to stop him. That is all I did. There is no question of any mood on the part of the Speaker.

Mr. SASANKA SEKHAR SANYAL: You know, Sir, that the Speaker has no appellate authority. You are your own appellate authority.

Mr. SPEAKER: You need not explain to me what my authority is.

Mr. SASANKA SEKHAR SANYAL: The Chair's function is the property of the House. It is our sacred duty to advise and lead the Speaker in the proper method of conducting the business of the House.

Mr. SPEAKER: That is a new proposition which you are enunciating. If 250 members rise in their seats to lead, advise and guide me I do not know what will happen to the House.

Mr. SASANKA SEKHAR SANYAL: When a member rises on a point of order, we want to know what authority the Speaker possesses to disallow even a point of order.

Mr. SPEAKER: If there is a frivolous point of order, I won't allow anybody to rise in this way any longer.

Mr. SASANKA SEKHAR SANYAL: Are you sure, Sir, that the decisions that you are giving are really proper decisions and not frivolous?

Mr. SPEAKER: I am absolutely certain that my decisions are correct.

Mr. ATUL CHANDRA SEN: Sir,——

Mr. SPEAKER: Will you kindly resume your seat, Mr. Sen? This is sheer waste of time.

Mr. SASANKA SEKHAR SANYAL: Sir, we strongly protest against this, your attitude. We feel it our sacred duty to see that our rights are not compromised even at the *fatwa* of the Chair.

Mr. SPEAKER: The *fatwa* of the Chair has got to be obeyed.

Mr. SASANKA SEKHAR SANYAL: That would be obeyed, but would be obeyed under protest.

Mr. SPEAKER: That is all good.

Dr. NALINAKSHA SANYAL: In obedience to your order, Sir, I am not rising in my seat. Sitting——

Mr. SPEAKER: That is again an obstructionist policy. It should be stopped.

Mr. SASANKA SEKHAR SANYAL: That is how you ask for our co-operation!

Further supplementaries on Starred Question No. 388.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state if Government are considering the desirability of adopting similar schemes as in Bombay for supply of vegetables?

Mr. RASIK LAL BISWAS: Government are enquiring into the matter as to what can be done. We are examining if it is possible to introduce such a system.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether Government think it desirable to see that on the introduction of the control of vegetable prices vegetables do not disappear and the prices of vegetables do not go up higher as is usual in all cases?

Mr. RASIK LAL BISWAS: That is the reason why Government is enquiring into the matter. But unless the source of supply is secured, it cannot be done.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state if it is a fact that the prices of vegetables are controlled in Bombay?

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Rule 30(*1*) of the Bengal Legislative Assembly Procedure Rules says: "A question addressed to a Minister must relate to the public affairs with which he is officially connected or to a matter of administration for which he is responsible." I would like to invite your attention to this rule. I submit that the prices which are controlled in Bombay neither come under the public affairs in this province nor any information about that comes within the sphere of the Minister in charge of Agriculture. If at all it comes, it comes within the sphere of the Minister in charge of the Publicity Department.

Mr. A. F. STARK: Sir, I would like to submit that the reply (*a*)(*ii*) expressly refers to the fact that Government are making enquiries with regard to the prices and distribution of the available supply in Bombay,

and therefore I think I am entitled to ask the Hon'ble Minister if it is a fact that the prices of vegetables in Bombay are controlled. I submit that the question arises out of the reply (*a*)(*ii*).

Mr. SPEAKER: Yes.

Dr. NALINAKSHA SANYAL: I think, it is for the Speaker to correct that that is not the proper way to put the question. He has specifically asked whether it is a fact or not.

Mr. SPEAKER: Mr. Stark, I think that is not the proper way.

Mr. A. F. STARK: Is the Hon'ble Minister aware that prices of vegetables are controlled in Bombay?

Mr. RASIK LAL BISWAS: That is the reason why the Bengal Government has asked for detailed information regarding the prices and supply of vegetables for distribution here. When that information comes, Government will consider the matter for control.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state if he is aware of the prices of potato and *patal* in Bombay?

Mr. RASIK LAL BISWAS: I am not aware.

Mr. ATUL CHANDRA SEN: Will the Government be pleased to consider the desirability of being as much vegetable-minded as they are grass-minded? (Laughter.)

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: With reference to reply (*b*) and (*c*), will the Hon'ble Minister be pleased to state what agency Government have appointed to obtain the information referred to, namely, "preliminary enquiries as regards the source of supply of vegetables"?

Mr. RASIK LAL BISWAS: A department has been set up for making enquiries.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state who is in charge of that department and what are the designations of the officers of that department?

Mr. RASIK LAL BISWAS: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when was that department set up and what is the estimated cost for that department?

Mr. RASIK LAL BISWAS: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how many sycophants of the Government have been appointed in the department?

Mr. SPEAKER: I disallow that question. It does not arise.

Dr. NALINAKSHA SANYAL: Sir, it has been found that among their followers there has been——

Mr. SPEAKER: I cannot allow that.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state how many persons have been deputed to make enquiries into the source of supply of vegetables to Calcutta, and their prices?

Mr. RASIK LAL BISWAS: I want notice.

Dr. NALINAKSHA SANYAL: With reference to the last sentence in the reply (*b*) and (*c*), namely, "as soon as the results of the enquiries are available", will the Hon'ble Minister be pleased to state whether Government has any time-limit as to the result of the enquiry?

Mr. RASIK LAL BISWAS: No, Sir.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state what is the difficulty for the Government in getting the information required from the transport companies?

Mr. RASIK LAL BISWAS: From the transport companies all the information cannot be available: some will have to be got through other means.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what arrangements Government have themselves undertaken to see that the movement of vegetables into the city in larger quantity may be ensured?

Mr. RASIK LAL BISWAS: By "Grow More Food" campaign and by other means.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state when their final decision in this matter can be expected so that the people of Calcutta may get supply of vegetables at reasonable prices?

Mr. RASIK LAL BISWAS: Very soon

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state when the enquiries will be finished?

Mr. RASIK LAL BISWAS: As early as possible.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state the percentage of increase in the prices of vegetables in comparison with the pre-war days?

Mr. RASIK LAL BISWAS: The percentage has increased to a great extent

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether he can give any approximate date for finishing the enquiry?

Mr. RASIK LAL BISWAS: No approximate date can be given.

Outbreak of small-pox in the Hajiganj police-station in Tippera.

*389. **Maulvi JONAB ALI MAJUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) whether he is aware that recently there has been an outbreak of small-pox epidemic in the rural areas within the Hajiganj police-station in the subdivision of Chandpur, Tippera;

(*ii*) whether it is a fact that the local M. L. A. has drawn the attention of the local Sanitary Inspector, Hajiganj, repeatedly, as to the necessity of taking immediate preventive measures by giving vaccination in the affected localities;

(*iii*) whether it is a fact that very few persons of these different affected localities have been vaccinated by the vaccinators;

(*iv*) that the vaccinators have no time to vaccinate all those who are willing to take vaccination; and

(*v*) whether it is a fact that the disease is rapidly spreading, particularly among those in localities who have not been vaccinated?

(*b*) Is the Hon'ble Minister considering the desirability of taking immediate steps to vaccinate all people in those localities and in the Hajiganj police-station?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*)(*i*) Yes.

(*ii*) Sanitary Inspector, Hajiganj, received one such report regarding small-pox in a certain village and attended to it promptly.

(*iii*) No: 47,461 vaccinations were performed in Hajiganj thana between November, 1943, and April, 1944.

(*iv*) No: vaccination was done principally in affected villages at first when the epidemic situation was bad.

(*v*) No, it is subsiding.

(*b*) Every effort is being made.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state what was the number of vaccinators engaged between November, 1943, and April, 1944, in the Hajiganj police-station?

Khan Sahib HAMIDUDDIN AHMAD: I want notice about the number.

Mr. SHAHEDALI: Is the Hon'ble Minister aware that there is a shortage of vaccinators in the district of Tippera for the purpose of vaccination?

Khan Sahib HAMIDUDDIN AHMAD: Government has not yet received any such report from the district board or from the public.

Mr. SHAHEDALI: Is the Hon'ble Minister aware that vaccinations are not effective at the present moment because only 10 per cent. of vaccinations are effective?

Khan Sahib HAMIDUDDIN AHMAD: Vaccinations are generally successful.

Sj. MANINDRA BHUSAN SINHA: With reference to answer (*a*)(*iii*) will the Hon'ble Minister be pleased to state how many of these were primary and how many otherwise?

Khan Sahib HAMIDUDDIN AHMAD: I have nothing on record. I want notice to give you that information.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state what effort is being made to vaccinate all the people of the locality?

Khan Sahib HAMIDUDDIN AHMAD: Vaccinators are working and approaching every villager for vaccination.

Sj. NARENDRA NATH DAS GUPTA: How many vaccinators have been employed in that area?

Khan Sahib HAMIDUDDIN AHMAD: I have already answered that question.

Sj. MANINDRA BHUSAN SINHA: Do Government consider that the number of vaccinations performed between November, 1943, and April, 1944, was adequate?

Khan Sahib HAMIDUDDIN AHMAD: It is a matter of opinion.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell the House what is the population of the Hajiganj thana?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state the number of persons affected by small-pox in that thana?

Khan Sahib HAMIDUDDIN AHMAD: I think that question does not arise here.

Sj. NARENDRA NATH DAS GUPTA: With reference to answer (*a*)(*ii*), will the Hon'ble Minister be pleased to state the number of persons who have been affected by small-pox?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state the number of deaths which occurred in that place?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Sj. MANINDRA BHUSAN SINHA: Will the Hon'ble Minister please let us know how many deaths occurred due to the epidemic?

Khan Sahib HAMIDUDDIN AHMAD: I ask for notice.

Sj. MANINDRA BHUSAN SINHA: Will the Hon'ble Minister please let us know the number of unprotected cases in that thana?

Khan Sahib HAMIDUDDIN AHMAD: I ask for notice.

Mr. CHARU CHANDRA ROY: With reference to the reply (*b*) that every effort is being made, will the Hon'ble Minister be pleased to state what other efforts are being made in the locality?

Khan Sahib HAMIDUDDIN AHMAD: Preventive measure is only through vaccination

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell the House whether sufficient quantity of bleaching powder is being supplied for disinfecting houses which are affected by small-pox?

Khan Sahib HAMIDUDDIN AHMAD: Bleaching powder is being supplied, but it may not be sufficient.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House what steps are Government taking in order to disinfect the houses in which small-pox is raging?

Khan Sahib HAMIDUDDIN AHMAD: The sanitary staff have been advised to take every possible step to disinfect the houses.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House what steps are being taken by the sanitary officers?

Khan Sahib HAMIDUDDIN AHMAD: The sanitary staff under the district board are taking every step—I have already explained.

Mr. CHARU CHANDRA ROY: Please explain the term "every step".

Khan Sahib HAMIDUDDIN AHMAD: The sanitary staff will be able to explain. I will have to call for their report.

Mr. CHARU CHANDRA ROY: Just now the Hon'ble Minister has admitted that sufficient bleaching powder is not available. Will the Hon'ble Minister be pleased to state what other articles are being used as substitutes for bleaching powder?

Khan Sahib HAMIDUDDIN AHMAD: Lime.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state whether bleaching powder can kill the germ of small-pox?

Khan Sahib HAMIDUDDIN AHMAD: It is for the expert to give the opinion.

Khan Bahadur ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state what are the curative steps taken for small-pox epidemic?

Khan Sahib HAMIDUDDIN AHMAD: Small-pox oil is being given.

Khan Bahadur ABDUL WAHAB KHAN: Is the Government paying any money for purchasing pox oil, or whatever it may be, in sufficient quantity for curing small-pox?

Khan Sahib HAMIDUDDIN AHMAD: It is the primary duty of the district board concerned, but when the district board ask for any help, Government will certainly consider it.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state whether, in view of the fact that allopathic system has got no curative measure for small-pox, Government contemplates to try ayurvedic method for small-pox?

Khan Sahib HAMIDUDDIN AHMAD: I ask for notice.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House that, as in answer to Dr. Malik's question he admits that bleaching powder cannot kill the small-pox germs——

Khan Sahib HAMIDUDDIN AHMAD: No, no, I have not said that.

Mr. CHARU CHANDRA ROY: Am I to understand that the Hon'ble Minister says that bleaching powder kills the small-pox germs?

Khan Sahib HAMIDUDDIN AHMAD: I think my friend did not hear me or he was not attentive to my answer My answer was "it is for the expert to give the opinion"

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House when the Government wants to take expert opinion—after the people are dead?

Mr. SPEAKER: That question does not arise

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the Government expert's opinion regarding the method or manner of carriage or spread of small-pox bacilli?

Khan Sahib HAMIDUDDIN AHMAD: I want notice for that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that this is an air-borne disease?

Khan Sahib HAMIDUDDIN AHMAD: So far as I know it is an air-borne disease.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House what steps Government wants to take as a curative measure for these small-pox cases in mofussil?

Khan Sahib HAMIDUDDIN AHMAD: I cannot give a reply off-hand about this

Mr. CHARU CHANDRA ROY: With reference to answer (*c*), will the Hon'ble Minister please tell the House what are the data on which he says "No, it is subsiding".

Khan Sahib HAMIDUDDIN AHMAD: Reports from sanitary staff and union board presidents.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House whether the number of deaths is decreasing?

Khan Sahib HAMIDUDDIN AHMAD: Certainly the number of deaths as well as the number of attacks are decreasing.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House what is the highest number of deaths in the locality?

Khan Sahib HAMIDUDDIN AHMAD: I have already answered that.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House how can he say that the number of deaths is decreasing?

Khan Sahib HAMIDUDDIN AHMAD: I have already said that the reports of the union board presidents as well as sanitary staff show that the number of attacks as well as deaths is decreasing.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House if he verified the reports of the union board presidents and sanitary staff?

Khan Sahib HAMIDUDDIN AHMAD: No, we are to rely on some agency through whom we get the information and we can safely rely on the reports of the sanitary staff as well as the union board presidents unless there is any report to the contrary.

Mr. CHARU CHANDRA ROY: Did Government think it their duty to send any person from Calcutta to inspect the locality as to the truth of the reports sent by the union board staff and Sanitary Inspectors?

Khan Sahib HAMIDUDDIN AHMAD: There is already an inspecting staff in the person of Assistant Director of Public Health who goes round the mofussil areas and inspects

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell us what is the report of the Assistant Director of Public Health?

Khan Sahib HAMIDUDDIN AHMAD: We have not yet called for any report from the Assistant Director of Public Health because there was no complaint

Mr. SPEAKER: Question time over. Yes, Mrs. Sen Gupta.

Enquiry regarding reasons for disallowing an Adjournment Motion.

Mrs. NELLIE SEN GUPTA: Mr. Speaker, I understand that you have disallowed my adjournment motion. I would like to know the reasons for your doing so. I would also request you to revise your decision.

Mr. SPEAKER: Mrs. Sen Gupta, it is not necessary for the Speaker to give any reason for disallowing anything, and as for your adjournment motion I have not given my consent and that cannot be discussed or raised in this House.

Mrs. NELLIE SEN GUPTA: May I remind you that only two days ago you gave your consent to an adjournment motion of the very same kind and on the very same question, and yet today you have disallowed my motion?

Mr. SPEAKER: That is the very reason why it should be disallowed.

Mrs. NELLIE SEN GUPTA: May I know the reasons? This is a very urgent matter.

Mr. SPEAKER: I have already said that what you yourself have stated is one of the reasons. I have disallowed it and there cannot be any discussion on it under the rules. In fact, the matter could not have been brought, and it is irregular that such a matter should be brought before the House and such a question should be raised. I hope Mrs. Sen Gupta will realise it.

Mrs. NELLIE SEN GUPTA: This matter is an extremely important one. The situation has not improved in the least and I do appeal that you should reconsider your decision and allow us to discuss this matter today.

Mr. SPEAKER: As I have already stated no question of reconsideration arises.

Mr. DHIRENDRA NATH DATTA: Sir, it is an admitted fact that it is a matter of urgent and definite public importance and it has been stated that this motion was disallowed a few days ago and so it cannot be taken up again——.

Mr. SPEAKER: Will you kindly resume your seat? There have been precedents of all sorts, but the main question is that I have refused my consent and that matter cannot be discussed in this House. If any member rises to discuss it, he will be disorderly. That question cannot be raised even.

Mr. DHIRENDRA NATH DATTA: Have we not got the right to appeal to you to revise your decision?

Mr. SPEAKER: Not in this House.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, you were just now telling that this has been rejected on the ground——

Mr. SPEAKER: Order, order. Will you resume your seat? When I am on my legs it is desirable that you should sit down. I have not stated what my reasons are. But Mrs. Sen Gupta raised the point and what she said was one of the cogent reasons why this motion should be disallowed. I stated further that it is not necessary for the Speaker to give any reason. I repeat that this question should not be raised and should not be discussed. If any member rises on this question, his conduct will not be proper.

Mr. DHIRENDRA NATH DATTA: I have just now——

Mr. SPEAKER: Order, order I do not want any discussion. If any honourable member has got anything to say, he may see me in my chamber and there I will be prepared to discuss the matter with him.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Earlier in the day——

Mr. SPEAKER: I would ask you to remain in your seat and not to speak on this subject at all.

Dr. NALINAKSHA SANYAL: I am rising on a point of order.

Mr. SPEAKER: That is no point of order.

Dr. NALINAKSHA SANYAL: I am rising on a point of order.

Mr. SPEAKER: Please sit down. There is no point of order. Your conduct is going to be disorderly.

Dr. NALINAKSHA SANYAL: I rise on a point of order. Without hearing me——

Mr. SPEAKER: Order, order. No point of order can be raised except on a discussion. There is no discussion before the House and there can be no point of order. I am prepared to hear the Leader of the Opposition.

Mr. A. K. FAZLUL HUQ: May I make a submission to you, Sir, for consideration? I was late in coming to the House and I did not know what had happened previous to my entry into this Chamber. I find, Sir,

that there is naturally a very strong feeling among the members of this House not merely on this side but also on the other side that the situation at least in Chittagong regarding rice is very alarming. The other day my friend Mr. Badi Ahmed Chaudhuri wanted to bring in this matter for discussion by an adjournment motion. That was rightly disallowed, because two adjournment motions could not be allowed under the rules on the same day. Today Mrs. Sen Gupta has brought up the same question. You have not given your consent and I think, so far as that is concerned, it is not for us to enter into the question as to the reasons which led you to refuse your consent to the motion, but what I am suggesting is that having regard to the fact that the matter is of vital importance to the people and that there is such a strong feeling in the House, you would permit a short statement, as short as possible, by Mrs. Sen Gupta and Mr. Chaudhuri and one or two members who know the situation, so that the matter might be discussed and the Minister in charge might reply and then, Sir, we might go on with the normal business of the House. I am not talking about the adjournment motion; that I need not. I am only making this suggestion so that there may be a calm and peaceful debate and we may go on with our work.

Mr. SPEAKER: I have heard the Leader of the Opposition. I can only say that he knows the rules thoroughly well and if he thought that the situation was so serious that a statement should be made, it was quite open to him to make a statement being the Leader of the Opposition with previous notice to me and to the Leader of the House. In cases of extreme urgency arising then and there no question of notice even will arise, but this is a matter which was well known to him, well known to the party. In fact an adjournment motion on the same subject had been given notice of two days ago, and another adjournment motion was brought this very day on the same subject. So this matter was well known to him.

Dr. NALINAKSHA SANYAL: But the temper of the Speaker was not known. That is exactly why we expect that the consent will be forthcoming.

Mr. SPEAKER: Order, order. Certainly, the Leader of the Opposition could have made a statement if he thought that the situation was so serious and the Leader of the House would have made a statement in reply, if necessary. But that has not been done, and it is suggested now that a discussion may ensue. That can never be allowed under the rules. No question of discussion can possibly arise. If the matter had been so urgent you, as Leader of the Opposition, could have come earlier and could have made a statement. That has not been done and I do not think that it will be fair that at this stage this matter should be introduced.

Mr. A. K. FAZLUL HUQ: On a point of personal explanation, Sir. I knew that notice had been given of an adjournment motion, but I did not know that you had refused your consent. That is the reason why I did not think it necessary for me to approach you for permission to make a statement. Secondly, Sir, I want to make it perfectly clear that if you are kind enough to allow two or three speakers to let the House know the exact situation as regards rice and other commodities in Chittagong, no debate will follow. Only one or two speakers will speak not on the adjournment motion, but simply with your leave to let the House know what is happening, and Mrs. Sen Gupta and Khan Bahadur Haji Badi Ahmed Choudhury are most competent to tell the House the present condition because they have received first-hand information from Chittagong. Two or three speakers will not take up much time and there will not be any debate. That is what I am suggesting.

Mr. SPEAKER: I am afraid that is not permissible, and I shall not allow that.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Earlier in the day——

Mr. SPEAKER: What is the point of order? You know, Dr. Sanyal, that there cannot be any point of order on a decision of the Speaker.

Dr. NALINAKSHA SANYAL: On a point of order, Sir.

Mr. SPEAKER: I again repeat that there cannot be any point of order on the decision of the Speaker.

Khan Bahadur HAJI BADI AHMED CHOUDHURY: মাননীয় স্পীকার মহোদয় আমাকে সেদিন বলতে দেননি, আজকে দেবেন কি না? (Interruptions.)

Mr. SPEAKER: খাঁন বাহাদুর সাহেব আপনি বসুন। Khan Bahadur Sahib, will you please sit down?

Khan Bahadur HAJI BADI AHMED CHOUDHURY: আমি এখন কিছু বলতে পারবো না, এ কি রকম কথা? Memberদের privilege অনুসারে আমি বলতে চাই যে—

(Cries of "sit down", "sit down" from Government benches.)

Mr. SPEAKER: খাঁন বাহাদুর সাহেব, আপনি বসুন দয়া করে।

Khan Bahadur HAJI BADI AHMED CHOUDHURY: এই হাউস দেড় মাস দুই মাস যাবৎ বাজে কথায় দিন কাটিয়ে দিচেছ। দৈনিক হিসাব করলে দেখা যায় allowance হিসাবে ৩,২৫০৲ টাকা খরচ হচেছ। তার উপর মিনিষ্টার সাহেবরা আছেন, তাঁদের কথা ছেড়েই দিন। চট্টগ্রামে ৬০৲ টাকা মণ চাউল হয়েছে। বাংলার গেজেটে ঘোষণা করা হয়েছে টাকায় ১২ ছটাক চাউল, তাতেও ৫৪৲ টাকা মণ বোঝা যায়। উত্তর বঙ্গে ১৩৲।১৪৲ টাকা; কোন কোন জায়গায় ২০৲ টাকা মণ। আজ দেশের লোক না খেতে পেয়ে মারা যাচেছ, আর আমার দেহে রক্ত মাংস থাকতে আমি দেশের কথা বলবো না। এই হাউসের মেম্বরদের privilege কি তা Secretaryকে জিজ্ঞাসা করেছিলাম। তিনি আমাকে জানান নি।

(Continued uproar and table thumping.)

Mr. SPEAKER: খাঁন বাহাদুর সাহেব আপনি বসুন দয়া করে। Will you sit down Khan Bahadur Sahib? Otherwise I will have to take drastic action against you.

(A voice: Get the police, get the police.)

Mr. HARIPADA CHATTOPADHAY: We don't want any police rule here.

Khan Bahadur HAJI BADI AHMED CHOUDHURY: Sir, (Interruptions.) আইন থাকিলে আপনি আমাকে বাহির করিয়া দিতে পারেন। কিন্তু আমি দুঃখের কথা বলিবই বলিব।

Mr. SPEAKER: Khan Bahadur, in my opinion your conduct is grossly disorderly and I direct you to withdraw immediately from the Assemblly.

[Khan Bahadur Haji Badi Ahmed Choudhury continued in the amidst of interruptions and uproars.]

Mr. SPEAKER: The House stands adjourned till 5-45 p.m.

(The House was accordingly adjourned till 5-45 p.m.)

(After Adjournment.)

(When the House met after adjournment Khan Bahadur Haji Badi Ahmed Choudhury persisted to speak on the subject of the adjournment motion for 10 minutes.)

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. The honourable member has been named and asked to withdraw for the day, but he has not withdrawn. (Interruption.)

Mr. KIRAN SANKAR ROY: You were also named and asked to withdraw at one time. Did you withdraw?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, I did.

[Khan Bahadur Haji Badi Ahmed Choudhury again rose to speak and wanted time for 10 minutes.].

Mr. SPEAKER: খাঁ বাহাদুর সাহেব, আপনি অনেক দিন আগে থেকে Council Houseএ মেম্বর ছিলেন। আমরা এক সঙ্গে মেম্বর ছিলাম। আপনি এখনও মেম্বর আছেন। আপনি আইন কানুন সব জানেন। আইন কানুন জানা সত্ত্বেও যদি আপনি আইন অনুসারে কাজ না করেন সেটা বড়ই দুঃখের কথা। এছাড়া আর কিছুই আপনাকে বলার নাই। আশা করি আপনি দয়া করে আইন অমান্য করবেন না। আপনাকে যে আমি withdraw করতে order দিয়েছি, সেটা আপনি পালন করবেন।

[Khan Bahadur Haji Badi Ahmed Choudhury again rose and sought permission to speak on the adjournment motion.]

Mr. A. K. FAZLUL HUQ: May I make one last request regarding this matter? My suggestion is that there should be no statement and no debate. Mrs. Sen Gupta may be allowed to make a brief statement and the Hon'ble Minister in charge may make a statement on behalf of Government which, I hope, will go to allay our apprehension that the situation in Chittagong is of an alarming character. After all that has happened, I do not see any justification for the Government members to keep quiet, and I am therefore requesting you that in these circumstances we may be enlightened about the Government view of the matter. On this side of the House honourable members have made statements that people are actually dying and there has been to a great extent a repetition of the horrible scenes of 1943. That may be right; that may be wrong. We hope Government has got correct information. Let us know what the Government view of the situation is, and if that statement is made I hope this episode will come to an end.

Mr. DHIRENDRA NATH DATTA: The gazette shows that rice is selling at Rs. 58 at Chittagong and that the situation there is extraordinary.

Mr. KIRAN SANKAR ROY: Sir, may I only add one word to what has been said by the Leader of the Opposition? I hope you will kindly permit Mrs. Sen Gupta to speak on the situation at Chittagong for a very short time, and we would like the Hon'ble Mr. Suhrawardy to reply to that statement. I am told that he has a very good case. Let him put that case before us, but if he does not want to make a statement that also does not matter. But please let Mrs. Sen Gupta make a short statement about the situation.

Khan Bahadur MOHAMMED ALI: Under what rule?

Mr. SPEAKER: If the appeal of the Leader of the Opposition is accepted by the Government, certainly there the matter ends. But if that is not accepted, certainly I am helpless. That is all that I can say. But at the same time I want to say another thing. I do not know how I can carry on the business of the House if my directions and orders are not carried out. That is a thing which is happening, and if that happens the House becomes disorderly and I cannot carry on except with the fullest co-operation of both the sides. It is not possible for any Speaker to function if he is not assisted in the discharge of his onerous duties by the House collectively and by each and every individual member thereof. I appeal

to all to help me in the discharge of my onerous duties that have been thrust upon me by the House itself. I hope I shall not be deprived of that assistance.

Mr. SANTOSH KUMAR BASU: Mr. Speaker, Sir, I think we ought to respond in the fullest spirit of co-operation to the appeal that has been made. At the same time, may I also ask whether Government will respond to the appeal for co-operation? This request coming from Khan Bahadur Haji Badi Ahmed Choudhury and from Mrs. Sen Gupta was one which had its basis in a genuine desire to place before the Government and the House the serious condition which they allege is now obtaining in Chittagong. There was no attempt on their part evidently, having regard to the statement made by the Leader of the Opposition and by the Leader of the Congress Party, to take time unnecessarily and to delay the proceedings of this House. The suggestion which has been made is that the Minister in charge of Civil Supplies might make a short statement in order to allay the alarm that evidently has been raised over this question among some representative members of this House. Sir, I would submit that in a spirit of co-operation the Government Party should have responded to assist you in this matter and to have made some short statement which would go to meet the needs of the situation. Their very silence and their desire to stand on technical rules show that the spirit of co-operation is not forthcoming from that side. We have made an offer which has proceeded from a spirit of co-operation with regard to the situation. They have not responded. The responsibility, therefore, lies upon the other side of the House to assist you in a serious situation. Khan Bahadur Haji Badi Ahmed Chowdhury probably feels so strongly in this matter that he is apparently defying your decision but it really proceeds from a desire to place the case of his constituency before the House. He is begging of you with folded hands and is addressing his appeal to the Government side not with a view to impeding the proceedings of the House but with a view to arriving at a solution of this problem so far as it is possible on the floor of the House today. I hope, Sir, your appeal for co-operation will be addressed equally to the Government side.

The Hon'ble Khwaja Sir NAZIMUDDIN: We feel that the business of the House is to be conducted according to the rules and Parliamentary practice. We are always ready to acquiesce in any request that is in conformity with the Parliamentary practice and according to the rules. We feel that this demand which has been made is unreasonable and unfair, and absolutely against all Parliamentary practice. We are ready to answer any question. If a short notice question is put, it will be answered immediately.

Mr. SASANKA SEKHAR SANYAL: It has been put by the adjournment motion.

Dr. NALINAKSHA SANYAL: If this adjournment motion was not tabled, you would never have agreed to this.

Mr. C. GRIFFITHS: Sir, as the Home Minister would agree to anything that is not unreasonable, let the House be adjourned on account of the King Emperor's birthday.

Mr. A. K. FAZLUL HUQ: Sir, I never demanded anything——

Mr. SPEAKER: Mr. Fazlul Huq, I think there should be no discussion on this subject.

Mr. A. K. FAZLUL HUQ: Only one word of explanation, Sir. The Hon'ble Chief Minister has said that if any reasonable demand is made in accordance with law and constitution, and good order and good conscience,

they are always prepared to accept and to comply. Mine was no demand. I am much too insignificant to make a demand of august members of the Government. I made a very humble appeal. My human feelings were stirred by what I heard, viz., that rice is selling at Rs. 60 per maund. It may be true or it may be false. I wanted a statement and I put it in the form of an appeal to Government.

Mr. FAZLUR RAHMAN: On a point of order, Sir. What is all this?

Dr. NALINAKSHA SANYAL: A brilliant point of order indeed from the Government Chief Whip!

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, there is a stranger in the House, and you cannot carry on the business of the House when there is a stranger inside it.

Mr. SPEAKER: That is exactly what I am thinking of. After my asking Khan Bahadur Haji Badi Ahmed Chowdhury to withdraw from this House, I do not think that I can carry on——(Loud noise.)

[Khan Bahadur Haji Badi Ahmed Chowdhury rose and sought permission to speak.]

Mr. SPEAKER: খান বাহাদুর বদি আহম্মদ চৌধুরী সাহেবকে আমি এই হাউস থেকে চলে যেতে বলেছি। তিনি যান নি। এ অবস্থায় হাউসের proceedings চলতে পারে না।

I adjourn the House till 4 p.m. tomorrow.

Adjournment.

The House was accordingly adjourned at 6 p.m. till 4 p.m. on Thursday, the 8th June, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the Provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 8th June, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 13 Hon'ble Ministers and 190 members.

STARRED QUESTIONS

(to which oral answers were given)

Anti-Tuberculosis Scheme.

***390. Mr. SADARUDDIN AHMED:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that tuberculosis surveys were undertaken by this Government in 1939 as the first step towards the comprehensive provincial Anti-Tuberculosis Scheme?

(*b*) If so, will the Hon'ble Minister be pleased to state the result thereof?

(*c*) Will the Hon'ble Minister be pleased to state what remedial measures the Government contemplate to undertake to combat the disease?

(*d*) Will the Hon'ble Minister be pleased to state whether the Government received any representations from non-officials suggesting lines of action for the control of tuberculosis in the Province as a whole?

(*e*) If so, will the Hon'ble Minister be pleased to state what action has since been taken or is proposed to be taken by Government to control the scourge of this fell disease?

(*f*) Is it a fact that all round scarcity of food has resulted in the malnutrition of the population?

(*g*) If so, do the Government apprehend acute increase of tuberculosis?

(*h*) If so, what steps do the Government intend to take as a step towards post-war reconstruction on the control of tuberculosis in the Province?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Yes: surveys were undertaken in two typical areas, viz., Serampore (urban) and Barisal (rural).

(*b*), (*c*) and (*e*) *Vide* statement laid on the Library Table.

(*d*) Yes.

(*f*) Yes: certain classes of the population.

(*g*) There is this danger.

(*h*) Under consideration of Government.

Sj. NARENDRA NATH DAS GUPTA: In view of the statement that the incidence of infection at Barisal is 18 per cent., will the Hon'ble Minister be pleased to state what steps have been taken to combat the danger at Barisal?

Khan Sahib HAMIDUDDIN AHMAD: A statement with regard to that has already been laid on the table.

Sj. NARENDRA NATH DAS GUPTA: No, Sir, for Barisal nothing has been laid on the table.

Khan Sahib HAMIDUDDIN AHMAD: No special step has been taken for Barisal.

Mr. CHARU CHANDRA ROY: Is the Hon'ble Minister ready to place the suggestions given by non-official medical men about the anti-tuberculosis scheme?

Khan Sahib HAMIDUDDIN AHMAD: A summary may be placed on the library table if the honourable member desires.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state how many district boards have been granted this special grant for combating tuberculosis?

Khan Sahib HAMIDUDDIN AHMAD: As regards the actual number of district boards, I want notice.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state what part of the rural Barisal came under the survey of this Tuberculosis Association?

Khan Sahib HAMIDUDDIN AHMAD: I want notice about the actual area. Some of the typical villages were taken up.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether it is a fact that a year or two ago a non-official gentleman made a donation of Rs. 3 lakhs to the Government for opening a tuberculosis sanatorium in Bengal?

Khan Sahib HAMIDUDDIN AHMAD: Yes, Sir.

Mr. ATUL CHANDRA SEN: How does the question stand now?

Khan Sahib HAMIDUDDIN AHMAD: A site has been selected in the district of Burdwan near Asansol.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state when do Government propose to proceed with the work?

Khan Sahib HAMIDUDDIN AHMAD: It is under the contemplation of Government to take early steps in the matter.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister take it as notice of a question that the suggestions of the medical men and other public men about the anti-tuberculosis scheme be laid before the House?

Khan Sahib HAMIDUDDIN AHMAD: All the suggestions?

Mr. CHARU CHANDRA ROY: Yes.

Khan Sahib HAMIDUDDIN AHMAD: All the suggestions of all the public men cannot be placed before the House. They are various. But the reports can be placed on the Library Table in a summary form.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell the House whether 20 acres of forest land for the expansion of the S. B. De Sanatorium in Kurseong was given by the Government of Bengal to that sanatorium?

Khan Sahib HAMIDUDDIN AHMAD: Yes.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House whether a committee was formed to draw up a scheme to increase the accommodation to 200 from the present strength of 30 or 40 beds?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Mr. CHARU CHANDRA ROY: Is it a fact that a survey was made at Government expense of those forests for this purpose?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister tell the House whether any money whatsoever was spent for any survey or for the expansion of that sanatorium—I mean the S. B. De Sanatorium at Kurseong—from the Government fund?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Mr. CHARU CHANDRA ROY: In view of the fact that there is less number of seats in the S. B. De Sanatorium at Kurseong, will the Hon'ble Minister be pleased to tell the House whether Government is ready to increase the number of beds there?

Khan Sahib HAMIDUDDIN AHMAD: Government is making suitable grant to the Jadavpur T. B. Hospital and for the time being Government do not expect to make any special grant to the S. B. De Sanatorium, but it is under the contemplation of Government to open a tuberculosis hospital near Asansol, as I have already said.

Mr. CHARU CHANDRA ROY : Is it a fact that in spite of the best efforts of the Jadavpur Hospital authorities and the help given by Government, the demand for beds still remains unfulfilled?

Khan Sahib HAMIDUDDIN AHMAD: Yes.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether Government is ready to increase the accommodation there?

Khan Sahib HAMIDUDDIN AHMAD: I have already stated that it is under the contemplation of Government to have a special tuberculosis hospital near Asansol in the district of Burdwan for which site has already been selected.

Mr. CHARU CHANDRA ROY: My question is whether Government is prepared to increase the number of beds in the Jadavpur Hospital or not?

Khan Sahib HAMIDUDDIN AHMAD: No, Sir.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state how much money has been provided in the budget for the Jadavpur Hospital this year in addition to the grant made by the last Cabinet?

Khan Sahib HAMIDDUDIN AHMAD: The usual grant.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether excepting the usual grant of Rs. 80,000, as was sanctioned by the last Cabinet, any additional grant has been made by this Cabinet?

Khan Sahib HAMIDUDDIN AHMAD: No special grant has been made by the Government.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell us whether it is a fact that there are no suitable quarters for the medical officers and nursing staff in the Jadavpur hospital?

Khan Sahib HAMIDUDDIN AHMAD: I ask for notice.

Mr. CHARU CHANDRA ROY: Assuming that there are no quarters for medical officers——

Mr. SPEAKER: You cannot assume it.

Mr. CHARU CHANDRA ROY: Is the Government ready to enquire into the matter and take necessary action to see that quarters for medical officers and staff are opened in the Jadavpur hospital?

Khan Sahib HAMIDUDDIN AHMAD: Government will certainly make an enquiry, but they are not in a position to make any enhanced grant this year or the next.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state if it is intended to erect the new sanatorium near Asansol before the end of war or after?

Khan Sahib HAMIDUDDIN AHMAD: The whole scheme is under the consideration of Government. The site has been selected.

Mr. A. F. STARK: That is no reply to my question. My question was, "is it the intention to erect the sanatorium before the end of the war or after the war"?

Khan Sahib HAMIDUDDIN AHMAD: It is under the consideration of Government. If materials and proper money can be provided in the Budget, certainly scheme will be taken up before the war terminates.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state if the donation of Rs. 3 lakhs is being kept for this new sanatorium?

Khan Sahib HAMIDUDDIN AHMAD: Yes; the money is still with the Government. At least it is promised.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state or assure the House whether Government is prepared to help the Jadavpur hospital by giving them a big capital grant and by increasing the recurring grant in view of the fact that this fell disease is increasing day by day?

Khan Sahib HAMIDUDDIN AHMAD: As I have already answered Government is not in a position to make any enhanced grant.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that that promised Rs. 3 lakhs was in the hands of Lady Linlithgow and it is proposed to be diverted to the Kasauli Institute, and the new proposed sanatorium will not get it?

Khan Sahib HAMIDUDDIN AHMAD: I am not aware. The money is not in the hands of Government.

Mr. CHARU CHANDRA ROY: Is it not a fact that the hospital authorities of Jadavpur approached Government for help in order to acquire lands for their hospital?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Mr. CHARU CHANDRA ROY: With reference to answer (*f*), will the Hon'ble Minister be pleased to state what steps Government propose to take to solve the malnutrition problem as is admitted by Government to be one of the main causes of the increase of the fell disease.

Khan Sahib HAMIDUDDIN AHMAD: Government is driving a scheme of "Grow More Food" campaign.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state what reasons, if any, have been given by the survey with regard to the high percentage of incidence of infection in rural Barisal rising as high as 82 per cent.?

Khan Sahib HAMIDUDDIN AHMAD: Malnutrition is one of the reasons and contact with the town people is another reason as disclosed by the Investigating Officer.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell us whether there is any arrangement for the advanced stage tuberculosis patients in the Jadavpur Hospital?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether Government is going to make any arrangement for the provision of the advanced stage patients in the Jadavpur Hospital?

Khan Sahib HAMIDUDDIN AHMAD: I have nothing further to add than that the Government makes a provision of Rs. 80,000 a year.

Dr. ABDUL MOTALEB MALIK: With reference to the statement laid on the table, will the Hon'ble Minister be pleased to state when these two special medical officers were appointed?

Khan Sahib HAMIDUDDIN AHMAD: I want notice about the exact date of the appointment.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state what special work they have been entrusted with now?

Khan Sahib HAMIDUDDIN AHMAD: They have been entrusted with the work of the preparation of reports, etc.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether it is a fact that the number of patients in the Jadavpur Hospital is increasing?

Khan Sahib HAMIDUDDIN AHMAD: Yes, the number is increasing.

Mr. MIRZA ABDUL HAFIZ: Does the Government consider the desirability of giving effect to the scheme that is under consideration?

Mr. A. K. FAZLUL HUQ: Sir, we are entitled to hear him. We have not been able to hear what is his question and what is the answer. We have not been able to hear what Mr. Hafiz was talking to the Parliamentary Secretary.

Mr. SPEAKER: Mr. Hafiz, you please speak up or go to the microphone and repeat your question.

Mr. MIRZA ABDUL HAFIZ: Does the Government consider the desirability of giving effect to the scheme of tuberculosis that is under the consideration of Government?

Khan Sahib HAMIDUDDIN AHMAD: Yes; Government will try to give effect to the scheme as soon as possible.

SJ. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state what arrangement Government have made to deal with these cases of infections in rural Bengal?

Khan Sahib HAMIDUDDIN AHMAD: A statement has been laid on the Table.

SJ. NARENDRA NATH DAS GUPTA: With regard to Barisal nothing has been placed. I asked about Barisal.

Khan Sahib HAMIDUDDIN AHMAD: I have nothing further to add.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell us whether it is a fact that the only institution which admits advanced stage patients is the National Infirmary at Manicktala?

Khan Sahib HAMIDUDDIN AHMAD: I am not aware of that.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state if it is a fact that this hospital approached the Government for help on many occasions, but without any result whatsoever?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Mr. CHARU CHANDRA ROY: In view of the great need for such institutions, will Government please see its way to help such institutions as the National Infirmary in Maniktala for treating tuberculosis patients?

Khan Sahib HAMIDUDDIN AHMAD: Government will consider this matter certainly when such case comes up to them.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell the House when this House can expect that the consideration of Government will be over?

Khan Sahib HAMIDUDDIN AHMAD: I have already stated that Government will consider the matter.

Mr. ATUL CHANDRA SEN: From the answer just now given by the Hon'ble Minister, viz.: "I have no information", do I understand him to say that the only step they have taken so far in preventing infection in Barisal is that they have laid a statement on the Library Table?

Khan Sahib HAMIDUDDIN AHMAD: I have not been able to follow your question.

Mr. SPEAKER: Mr. Sen, you please repeat your question.

Mr. ATUL CHANDRA SEN: From the answer just now given viz.: "I have no information", do I understand him to say that the only step that Government have taken so far to prevent infection in Barisal is that they have laid a statement on the Library Table?

Khan Sahib HAMIDUDDIN AHMAD: No. In the statement you will find that some steps have been taken by Government by way of granting money to the sadar hospitals and also to urban and rural areas on certain conditions.

Dr. NALINAKSHA SANYAL: On a point of privilege, Sir. It is my information that the honourable member who is replying is unfortunately now ill and is undergoing treatment, and is a member regularly residing in the hospital attached to the Tropical School of Medicine, and it is really not fair to bombard him with so many supplementary questions.

Mr. SPEAKER: You can take pity on him if you like.

Mr. ATUL CHANDRA SEN: From the answer just now given by the Hon'ble Minister, do I understand him to say that money has been contributed merely for the urban areas?

Khan Sahib HAMIDUDDIN AHMAD: No. Rural areas too. There is provision in the scheme for the rural areas too, on some conditions.

Dr. ABDUL MOTALEB MALIK: With reference to the statement laid on the table, will the Hon'ble Minister be pleased to state whether these two surveys were test surveys or special surveys particularly for those two areas?

Khan Sahib HAMIDUDDIN AHMAD: Test surveys.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state how many representations were made to the Government by the National Infirmary of Maniktala for help?

Khan Sahib HAMIDUDDIN AHMAD: I have already answered that I am not aware of it.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state the amount of money sanctioned for Barisal Sadar Hospital to treat tuberculosis cases?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell the House how much money has been allotted to each of the District Sadar Hospitals in Bengal for treating tuberculosis cases?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell the House whether he is aware of the fact that the tuberculosis patients are not getting admission into the Jadavpur Hospital for want of beds there?

Khan Sahib HAMIDUDDIN AHMAD: This is a repetition of the same question.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state what, if any, allotment has been made to the Barisal Hospital for the treatment of tuberculosis patients?

Mr. SPEAKER: That appears to be going too far into details which you cannot expect to be answered offhand without notice.

Sj. NARENDRA NATH DAS GUPTA: Mr. Speaker, Sir. He has just now answered that allotment has been made to the Barisal Sadar Hospital, but we know that no special allotment has been made.

Mr. SPEAKER: Then why do you ask him a question when you are supplying the information yourself?

Dr. ABDUL MOTALEB MALIK: With reference to the answer that grants have been made to the district boards, will the Hon'ble Minister be pleased to state when these special grants were made?

Khan Sahib HAMIDUDDIN AHMAD: Special grants have been given during the last few years, but I cannot say from what year these were given.

Dr. ABDUL MOTALEB MALIK: In view of these special grants having been made, will the Hon'ble Minister be pleased to state whether the Department has been instructed to keep special statistics of the number of patients treated out of these grants?

Khan Sahib HAMIDUDDIN AHMAD: No. A register is kept showing the number of people suffering from different diseases.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state whether he is aware of the existence of a Kaviraji hospital for tuberculosis?

Khan Sahib HAMIDUDDIN AHMAD: I am not aware of it.

Mr. SPEAKER: There have been sufficient supplementaries over this question. Next question.

Mr. A. K. FAZLUL HUQ: Mr. Speaker, the Parliamentary Secretary has answered that some allotment has been made to the Barisal Hospital for tuberculosis, but he cannot give details. May I ask him whether his answer is based on papers or from memory?

Khan Sahib HAMIDUDDIN AHMAD: From the records I say that some allotment was made for all the district hospitals and each and every sadar hospital on some condition.

Mr. A. K. FAZLUL HUQ: The papers do not show that any allotment has been made to the Barisal Hospital. It is an inference.

Khan Sahib HAMIDUDDIN AHMAD: I have already answered.

Mr. A. K. FAZLUL HUQ: From the papers you ought to be able to tell us what is the amount sanctioned for the Barisal Hospital.

Mr. SPEAKER: That question does not arise.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell the House whether he is aware of the fact that there is one Jamini Bhusan Ashtanga Vidyalaya which treats tuberculosis patients?

Khan Sahib HAMIDUDDIN AHMAD: I am not aware of it.

Grant of licences of excise shops and number of Muslim vendors.

*391. **Maulvi MD. ABDUL HAKIM VIKRAMPURI:** (*a*) Will the Hon'ble Minister in charge of the Excise Department be pleased to lay on the Table a statement showing separately—

(1) the present number of shops of (*i*) country spirit, (*ii*) drugs (combined), (*iii*) opium (single), (*iv*) *ganja* (single), and (*v*) *bhang* (single); and

(2) the number of them that are held by the—

(A) Caste Hindus,

(B) Scheduled Castes—

(*i*) Sahas, and

(*ii*) others,

(C) Muslims, and

(D) non-Bengalees (Muslims and Hindus) within the areas of Calcutta Corporation, Tollygungs and Garden Reach municipalities?

(*b*) Will the Hon'ble Minister be pleased to state whether it is a fact that the number of Muslim vendors is small in proportion to other communities?

(*c*) If so, will the Hon'ble Minister be pleased to state what steps he is proposing to take for maintaining communal ratios in granting licences of excise shops?

MINISTER in charge of the EXCISE DEPARTMENT (the Hon'ble Mr. Prem Hari Barma): (*a*) A statement is laid on the Table.

(*b*) Yes.

(*c*) It is the policy of Government to secure a fair representation of all communities in the settlement of excise shops. A circular was issued on 23rd July, 1942, to the effect that in the districts where the representation of any community was disproportionately small, in granting excise licences special consideration should be given to the claims of that community in accordance with the Communal Ratio Rules for services. Since a shop becomes due for re-settlement only when the licence of the existing incumbent is determined by cancellation or non-renewal on grounds of misdemeanour, it is unavoidably a question of time to make good the deficiency in the representation of an individual community.

Statement referred to in reply to clause (a) of starred question No. 391.

(*i*) Country spirit shops	...	...	44
(*ii*) Drugs (combined) shops	...	...	22
(*iii*) Opium (single) shops	...	...	21
(*iv*) *Ganja* (single) shops	...	...	19
(*v*) *Bhang* (single) shop	...	...	5

	Country, spirit shops.	Drugs shops (combined).	Opium shops (single).	*Ganja* shops (single).	*Bhang* shops (single)
(A) Caste Hindus	8·5*	13	11	12	1
(B) Scheduled Castes—					
(i) Sahas	30·5†	4	4	2	3
(ii) Others	..	..	..	..	..
(C) Muslims	2	5	5	5	1
(D) Non-Bengalees (Muslims and Hindus)	..	..	..	..	..

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why the number of Scheduled Castes other than Sahas is absolutely nil?

The Hon'ble Mr. PREM HARI BARMA: As they all belong to the same community, viz., Scheduled Castes, the question does not arise whether a particular class among them is given a high proportion or a small proportion.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is meant by "Sahas"?. We do not find it in the list of Scheduled Castes appended to the Government of India Act or Order in Council.

The Hon'ble Mr. PREM HARI BARMA: Perhaps "Saha" is not the name of a community; it is a title, a surname.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if the Government is aware that there is a community known as the Saha community which is not in the list of Scheduled Castes?

The Hon'ble Mr. PREM HARI BARMA: They are Baisya Sahas.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister please state whether in view of the circular, when a vacancy arises the cases of Muslims are favourably considered in granting licences?

The Hon'ble Mr. PREM HARI BARMA: Yes, but the Communal Ratio Rules were introduced very lately and therefore there is this deficiency in the number of Muslim licence holders.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister please state whether he considers the desirability of taking statistics after the end of every year as to how many vacancies occurred and how many licences were granted to Muslims?

The Hon'ble Mr. PREM HARI BARMA: I shall consider.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister please state whether he will consider the desirability of granting licences to the Muslims in all vacancies until and unless the communal ratio is fulfilled?

The Hon'ble Mr. PREM HARI BARMA: I do not think it will be practicable, because in each district the same thing may not happen. There may be districts in which the proportion may be all right.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister please state whether after the issue of the circular referred to in answer (c) any statistics has been taken as to how far by following the circular, the condition of the Muslims, so far as the licences are concerned, improved?

The Hon'ble Mr. PREM HARI BARMA: I am not aware.

*The figure ·5 is taken for a shop held in partnership.

†Three country spirit shops are held by Parsees and one opium shop (single) by a Jain who are non-Bengalees.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister please state whether he considers the desirability of taking statistics from the time of the issue of the circular to ascertain whether the Muslim representation has increased and how far it has increased?

The Hon'ble Mr. PREM HARI BARMA: I will consider.

Dr. NALINAKSHA SANYAL: With reference to the answer that the communal ratio rules for services would be difficult to apply because the licence of the existing incumbent is determined by cancellation or non-renewal on grounds of misdemeanour, kill the Hon'ble Minister please state if in the settlement of these dealers or licence-holders any time-limit is given?

The Hon'ble Mr. PREM HARI BARMA: No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if he is aware that annually licencees have to offer on open tender the rates at which they are prepared to take over licences of shops, and it is after such tenders that the licences are accepted?

The Hon'ble Mr. PREM HARI BARMA: Sir, I could not follow the question.

Mr. SPEAKER: Dr. Sanyal, will you please repeat the question?

Dr. NALINAKSHA SANYAL: In answer (c) the last sentence is, "Since a shop becomes due for re-settlement only when the licence of the existing incumbent is determined by cancellation or non-renewal on grounds of misdemeanour, it is unavoidably a question of time." So I have asked the question whether in the licence issued to dealers for a particular shop there is any time-limit given.

The Hon'ble Mr. PREM HARI BARMA: No time-limit is given.

Dr. NALINAKSHA SANYAL: Then I have asked, Is it not a fact that each of these licence-holders has to tender in the beginning of a year the amount that they are prepared to offer for continuing the licences for the shops, and on the basis of that tender the continuance of the licence is approved or not approved?

Mr. SPEAKER: You mean to say whether it is renewed annually?

The Hon'ble Mr. PREM HARI BARMA: It is not renewed yearly.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state under what circumstances, in that event, can a licence be determined?

The Hon'ble Mr. PREM HARI BARMA: It can be determined for any breach of the rules.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if it is to be understood that if a licencee has committed no breach of the rules he can and his generations after him can continue to have licences of particular shops without any time-limit?

The Hon'ble Mr. PREM HARI BARMA: Yes, they continue like that in many cases.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if the position is that once a licence is issued in favour of a person for a particular shop, that licence will continue for generations unless——

The Hon'ble Mr. PREM HARI BARMA: Not for generations.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if it is the present procedure that once a person is given a licence for

a shop, that licence will continue for ever and for generations without any possibility of determination by Government unless there is misdemeanour?

The Hon'ble Mr. PREM HARI BARMA: No. On the death of a licencee the licence will be cancelled.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if it will continue until the death of the licencee?

The Hon'ble Mr. PREM HARI BARMA: Yes. If he goes on regularly without any breach of the rules, the licence will be continued till his death.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister please state if he considers the desirability of issuing licences on condition that it terminates on expiration of a limited number of years?

The Hon'ble Mr. PREM HARI BARMA: No.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister please state whether the Government has any machinery to look after the correct application of the circular referred to in answer (*c*)?

The Hon'ble Mr. PREM HARI BARMA: Certainly there is.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister please state what is that machinery?

The Hon'ble Mr. PREM HARI BARMA: There are officers to see whether circulars are strictly followed or not.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether it is a fact that in almost all the districts that circular is not being complied with?

The Hon'ble Mr. PREM HARI BARMA: I am not aware of it.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to make an enquiry about the fact if such instances are given?

The Hon'ble Mr. PREM HARI BARMA: If specific instances are given I shall consider.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to make an enquiry that in the district of Pabna that circular is not complied with by the district authority?

The Hon'ble Mr. PREM HARI BARMA: Yes, I will enquire.

Re: Kirtipasha Estate, Barisal.

***392. Mr. KAMAL KRISHNA ROY:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) whether the Kirtipasha Estate in the district of Barisal is administered by the Court of Wards;

(*ii*) whether Mr. Amiya Kumar Rai Chaudhury at present a political security prisoner in Barisal District Jail is alone the proprietor of one-fourth share of the Estate;

(*iii*) whether the Court of Wards is paying only Rs. 100 per month as allowance to the family of Mr. Amiya Kumar Rai Chaudhury; and

(*iv*) whether the Court of Wards is paying Rs. 275 per month as allowance to each of the other three groups of proprietors—each group being collectively owner of one-fourth shares of the estate?

(*b*) If the answers to (*a*) (*iii*) and (*iv*) are in the affirmative, will the Hon'ble Minister be pleased to state the reasons for this difference in allowance?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) (*i*) The estate has since been released from the management of the Court of Wards.

(*ii*) to (*iv*) and (*b*) Do not arise.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state the annual income of the Kirtipasha Estate?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice.

Sj. NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that the annual income of the Kirtipasha Estate is above Rs. 50,000 per annum?

The Hon'ble Mr. TARAK NATH MUKERJEA: As I have said, I want notice.

Sj. NARENDRA NATH DAS GUPTA: Is it a fact that Sj. Amiya Kumar Rai Chaudhury has two sons, one reading in the Scottish Church College and another in the B. M. College?

The Hon'ble Mr. TARAK NATH MUKERJEA: I am not aware of it.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state the reason why Sj. Amiya Kumar Rai Chaudhury, who possessed one-fourth of the share of the estate, was sanctioned only Rs. 100 per month as family allowance?

The Hon'ble Mr. TARAK NATH MUKERJEA: Because taking into account the liabilities of the estate no higher allowance was possible.

Sj. NARENDRA NATH DAS GUPTA: In view of the reply just given that the liability of the estate made higher allowance impossible, will the Hon'ble Minister be pleased to state the reason why other partners were given Rs 275 per month?

The Hon'ble Mr. TARAK NATH MUKERJEA: Because the liabilities of the other co-sharers were less

Sj. NARENDRA NATH DAS GUPTA: Is it not a fact that this Amiya Kumar Rai Chaudhury has no personal liability to pay off?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice

Dr. NALINAKSHA SANYAL: On what information has the Hon'ble Minister said that the liability of other proprietors was less than the liability of Mr. Amiya Kumar Rai Chaudhury and as a result thereof the allowance of Mr. Amiya Kumar Rai Chaudhury was lower?

The Hon'ble Mr. TARAK NATH MUKERJEA: Report from the Court of Wards.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the position so far as Court of Wards records are concerned shows just the other way?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice.

Sj. NARENDRA NATH DAS GUPTA: Is it not a fact that Sj. Himangshu Kumar Rai Chaudhury, who possesses only 1/20th part of the property, was allowed Rs. 275 per month?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice. I am not aware of the details.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state if it is a fact that this allowance of Rs. 100 was made only when Sj. Amiya Kumar Rai Chaudhury was made a security prisoner in Barisal Jail?

The Hon'ble Mr. TARAK NATH MUKERJEA: These amounts were fixed and he was made a security prisoner long before the present Government came to power. I may tell the House for its information that it is the present Government which released Mr. Amiya Kumar Rai Chaudhury and at its instance his estate has also been released.

Sj. NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that the wife of Sj. Amiya Kumar Rai Chaudhury petitioned to the present Government again and again praying that she cannot continue on the small pittance of Rs. 100 per month?

The Hon'ble Mr. TARAK NATH MUKERJEA: No such petition was made to the Government. It might have been made to the Revenue Board. I can enquire and let the honourable member know if he gives notice.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to look into his file and see whether such petitions were repeatedly made through the District Magistrate of Barisal by the wife of Sj. Amiya Kumar Rai Chaudhury?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice.

Sj. NARENDRA NATH DAS GUPTA: Is it not a fact that Sj. Amiya Kumar Rai Chaudhury used to live in a proper zemindari style before he was made a security prisoner?

Mr. ATUL KRISHNA GHOSE: Sir, I rise on a point of order. Mr. Narendra Nath Das Gupta asked the Hon'ble Minister whether he will make an enquiry with regard to certain facts. The Hon'ble Minister replied that he wants notice. What is the meaning of it and what is the sense of it?

Mr. SPEAKER: That is not a point of order.

Mr. ATUL KRISHNA GHOSE: His reply is out of order and that is why this point of order has been raised. Let him give a reply in the proper form.

Sj. NARENDRA NATH DAS GUPTA: Is it not a fact that though the estate previous to its being handed over to the Court of Wards had no liability whatsoever was released with a libility of Rs. 50,000?

The Hon'ble Mr. TARAK NATH MUKERJEA: I think the information is not correct, but if the honourable member wants detailed information and if he gives notice I will answer.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state what is the liability with which the estate has been released?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice.

Sj. NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware if there was any liability whatsoever when the estate was released?

The Hon'ble Mr. TARAK NATH MUKERJEA: I have nothing further to add.

Sj. NARENDRA NATH DAS GUPTA: Is it not a fact that under the prevailing financial distress a zemindar family like that of Mr. Amiya Kumar Rai Chaudhury could not subsist on Rs. 100 per month?

The Hon'ble Mr. TARAK NATH MUKERJEA: That is a question of opinion.

Sj. NARENDRA NATH DAS GUPTA: Is it not a fact that the Government has taken the step on the recommendation of C.I.D. officials at Barisal?

The Hon'ble Mr. TARAK NATH MUKERJEA: I have no such information.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the Court of Wards failed to pay up the revenue of the estate for three years and released the estate for that?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice. I cannot say off-hand.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that immediately after the release attempts were made to put the estate to sale for arrears of Government revenue?

The Hon'ble Mr. TARAK NATH MUKERJEA: I have no such information.

Sj. NARENDRA NATH DAS GUPTA: Is it not a fact that all applications from the family of Sj. Amiya Kumar Rai Chaudhury went through the Collector to the Revenue Board?

The Hon'ble Mr. TARAK NATH MUKERJEA: Generally these applications are disposed of by the Revenue Board and without notice I cannot say off-hand.

Sj. NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister in a position to let the House know whether all these applications were placed before the Minister himself?

The Hon'ble Mr. TARAK NATH MUKERJEA: No.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Personal effects, and release of, security prisoners.

181. Mr. NIHARENDU DUTTA MAZUMDAR: (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*i*) whether Government received any written representation from the security prisoners of the Presidency Jail regarding the question as to whether the clothing, bedding and other personal effects supplied to them by Government exclusive of furniture and fixtures, were to belong to them as their personal property liable to be taken with them at the time of release if they so choose;

(*ii*) whether rules 11, 12, 13 and 14 of the Bengal Security Prisoners Rules, 1940, were meant to be applied to such articles and personal effects in the possession of security prisoners;

(*iii*) what orders, if any, were Government pleased to make in response to the aforesaid representation;

(*iv*) whether in the case of State Prisoners' Regulation that all articles of personal use, without exception, supplied to them at Government cost become the personal property of the State prisoners;

(*v*) whether the entire personal effects of the security prisoners supplied to them by Government were being taken away from them by the jail authorities at the time of their release;

(*vi*) that in some cases they have been even stripped of clothing and footwear on their persons at the time of their release; and

(*vii*) that even now a part of their personal effects, e.g., bedding is taken away from them by the jail authorities?

(*b*) If the answer to clauses (*a*)(*iv*) to (*vii*) are in the affirmative, will the Hon'ble Minister be pelased to state—

(*i*) whether this was being done under instructions of Government; and

(*ii*) if not, under whose orders?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*) Yes.

(*ii*) and (*iv*) No.

(*iii*) and (*vii*) The security and State prisoners have been permitted to take away on release all articles supplied by Government, except certain items of furniture and bedding equipment and all feeding utensils.

(*v*) and (*vi*) Rules 578 and 1087 (1) of the Bengal Jail Code (7th Edition) were strictly followed before July last.

(*b*) Does not arise.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*)(*iii*), will the Hon'ble Minister be pleased to state what are the items that are allowed to be taken away by the prisoners and what items or equipments are retained on release by Government?

Khan Bahadur MOHAMMED ALI: They are allowed to take away their personal effects except bedding and furniture.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if bed covers and mosquito curtains are considered to be within the definition of "bedding and furniture"?

Khan Bahadur MOHAMMED ALI: Yes, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether cloth and garments taken or kept on at night are also considered to be irremovable articles?

Khan Bahadur MOHAMMED ALI: No, Sir

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that in certain jails security prisoners on release have not been allowed to take away some portion of their clothings also?

Khan Bahadur MOHAMMED ALI: Government have no such information. After the Government decision allowing prisoners to take away their personal effects no such complaint has been received

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when this so-called Government decision was actually enforced?

Khan Bahadur MOHAMMED ALI: Sometime, I believe, in July 1943.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that political prisoners were allowed to take away their beddings on release before the new constitution, *i.e.*, before Provincial Autonomy?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what liberal policy they have introduced with regard to these political prisoners by depriving them of their beddings when they find themselves outside quite helpless?

Mr. SPEAKER: I disallow that question.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state the reasons that led them to deprive the political prisoners of their beddings?

Khan Bahadur MOHAMMED ALI: There is no question of depriving political prisoners of their beddings. Previously it was the practice that the security prisoners or any prisoners, when released, would be allowed to go away only in the clothes in which they came to the jails, but this Ministry, after assuming office, passed orders that all personal effects supplied to the security prisoners partly or wholly at Government cost will be allowed to be taken away by the prisoners on release. Even when there is a question of replacement they are allowed to give away their clothes either to their families or to charity.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that in former days political prisoners were supplied with beddings at the cost of Government and political prisoners were allowed to carry them away on their release?

Khan Bahadur MOHAMMED ALI: No, Sir. If the honourable member is referring to pre-autonomy days, I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when was this question received and what period the reply refers to?

Khan Bahadur MOHAMMED ALI: What question?

Dr. NALINAKSHA SANYAL: There is question (*a*)(*vi*), namely, "that in some cases they have been stripped of clothing and footwear on their persons at the time of their release". My question is: when was this question received by the department and what period does the reply refer to.

Khan Bahadur MOHAMMED ALI: The question was received on the 23rd or 24th September last.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if an enquiry has been made to ascertain that in September, 1943, *i.e.*, after the period referred to in the answer of July, 1943, personal effects of the nature mentioned in (*a*)(*vi*) and (*viii*) were taken away or not?

Khan Bahadur MOHAMMED ALI: There was no special enquiry.

Dr. NALINAKSHA SANYAL: But the question is there.

Khan Bahadur MOHAMMED ALI: But there is no reason to suppose that Government orders have not been carried out.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the notice of the question received by the department was taken as a complaint that in spite of Government orders certain action was being taken which was contrary to the announcement of the Government policy?

Khan Bahadur MOHAMMED ALI: There is no indication in the question that in spite of Government orders prisoners are deprived of their cloths, but in reply to questions (*v*) and (*vi*) I may point out that before the Government order regarding taking away personal effects was passed security prisoners were released in the clothings in which they came.

Mr. CHARU CHANDRA ROY: Is the Hon'ble Minister aware that the circular issued by Government about allowing security prisoners to carry away their cloths home is not being honoured by the Jail Department?

Khan Bahadur MOHAMMED ALI: No, Sir. Government have no such information or complaint.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please enquire whether Jail authorities are not allowing security prisoners to take away their cloths and that in spite of the order of the Government of Bengal Deputy Inspector-General, Prisons, has not permitted them to do so?

Khan Bahadur MOHAMMED ALI: Government have no such information. If the honourable member will write to Government it will certainly be enquired into.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please take it as a notice?

Khan Bahadur MOHAMMED ALI: I think writing a letter to Government will be better.

Shortage of residential accommodation in Calcutta.

182. Mr. SYED SAHEBE ALAM: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) of the acute shortage of housing accommodation in Calcutta due to requisitioning of houses for military personnel; and

(*ii*) that this is causing great hardship to civilians?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of—

(*i*) making arrangements to shift military offices to the mufassil; or

(*ii*) compelling the military authorities to construct hutments outside the Metropolis for location of offices or for accommodating troops?

The Hon'ble Mr. TARAK NATH MUKERJEA: (*a*)(*i*) The population of Calcutta having swelled very considerably due to the influx of both civilian and military personnel, there is a shortage of residential accommodation in the city. This has been accentuated by the requisitioning of houses for the military.

(*ii*) Yes.

(*b*) The Provincial Government cannot order the military authorities to do anything. The latter are however aware of the situation and try to avoid requisitioning occupied houses.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what in the estimate of Government is the influx of additional population in the city which has resulted in the actual shortage of housing accommodation?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the civil Government helps the military in requisitioning houses for them?

The Hon'ble Mr. TARAK NATH MUKERJEA: Government requisition houses on the requisitions received from the military. I do not follow what the honourable member means by "helping".

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the actual requisitioning of houses is done under orders of an officer or officers who are responsible to the Government of Bengal?

The Hon'ble Mr. TARAK NATH MUKERJEA: It is done by the Requisitioning Board in Calcutta and by the Collectors for mofussil.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government have considered the possibility of constructing houses in Calcutta or in the suburbs of Calcutta for accommodating additional population?

The Hon'ble Mr. TARAK NATH MUKERJEA: The matter is under consideration.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how long the matter will be under consideration and by what time the result of that consideration is likely to be revealed?

The Hon'ble Mr. TARAK NATH MUKERJEA: It is for sometime past, but it is difficult to say when it will be completed. I can however assure the House that it will be done as early as possible.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what principle or principles are followed by the officers of the Government of Bengal in requisitioning houses in Calcutta?

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, it involves various principles, *e.g.*, residential houses are avoided as far as possible.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that there are a large number of fairly big houses lying vacant comparatively untenanted which remain still unrequisitioned while tenanted houses with a large number of people residing there get notice of requisition?

The Hon'ble Mr. TARAK NATH MUKERJEA: We have no such information.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that in Chowringhee a house belonging to the Maharaja of Darbhanga with a big compound and also a large number of houses are still untenanted and available for requisition.

The Hon'ble Mr. TARAK NATH MUKERJEA: Unless a specific case is cited, it is impossible to say, but so far as the house of the Maharaja of Darbhanga is concerned, it has already been requisitioned.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that two big houses belonging to two Ministers of Government are still lying comparatively untenanted and not requisitioned?

Khan Bahadur MOHAMMED ALI: You mean the house of the ex-Chief Minister at 88/2, Jhowtala Road? (Laughter.)

The Hon'ble Mr. TARAK NATH MUKERJEA: It is too vague a question to be answered.

Enquiry regarding refusal of consent to an adjournment motion.

Dr. NALINAKSHA SANYAL: Sir, may I have your permission to enquire what you would suggest as our remedy in case we seek to bring up certain important matters of grave public importance and of recent occurrence through adjournment motions and to which you are pleased not to give your consent. I am not opening the question. I am not requesting you to reconsider your consent, but I gave notice of one adjournment motion today relating to jobbery and maladministration prevalent in the Publicity Department of the Government of Bengal.

Mr. SPEAKER: You cannot discuss that point nor can you bring up that matter.

Dr. NALINAKSHA SANYAL: Sir, I gave notice of a short-notice question which was not accepted as short notice. I am, therefore, trying to bring a special motion which also naturally you will not permit because the Minister will not agree. Cases of jobbery and corruption are coming daily to our notice. What is my remedy, Sir? Could you give us an idea as to what the remedy is? You are the custodian of the liberties and privileges of this House. You are here to allow us to ventilate grievances of a public nature, grievances of most outstanding public importance. Here I would put forward to you one such case where party patronage is going rampant.

Mr. SPEAKER: You are again making mention of party, etc.? I cannot allow you that.

Dr. NALINAKSHA SANYAL: I am not meaning anybody, Sir. This is a matter decision about which was arrived at after the budget was framed. As this is a post-budget decision I have no other alternative than to bring it before the House that the money has probably been allotted at the end when the usual budget provisions were already made. In a case like this may I know what is the remedy?

Mr. SPEAKER: The rules provide for matters being brought up. I cannot depart from the rules and you can very well understand that I cannot help you in this matter. The rules are there; they have got to be followed. As this is a matter which you have brought to my notice I will consider it and give my decision. I cannot give you any further latitude.

Dr. NALINAKSHA SANYAL: I have tried to be within the rules——

Mr. SPEAKER: Will you kindly resume your seat?

Dr. NALINAKSHA SANYAL: Sir, I find there are remedies in the rules.

Mr. SPEAKER: Will you kindly resume your seat? I have already said that you have brought before me in this House a certain matter and I will consider it. More than that I cannot say. You must not discuss this matter any more.

Dr. NALINAKSHA SANYAL: Sir, you can waive the urgency regarding this matter and permit it to be moved on Monday.

Mr. SPEAKER: Please sit down. I have refused consent to this.

Dr. NALINAKSHA SANYAL: But you have not given the reasons for your refusal.

Mr. SPEAKER: Order, order. I have already refused consent, but if any matter is brought before me formally according to the rules I will certainly give my due consideration to it. More than that I cannot say

Mr. CHARU CHANDRA ROY: On a point of privilege, Sir. The statement laid on the library table——

Mr. SPEAKER: That question does not arise here. That is not the point before us now.

Mr. CHARU CHANDRA ROY: I was referred to a statement on the library table——

Sj. NARENDRA NATH DAS GUPTA: Sir,——

Mr. SPEAKER: Several members should not rise at the same time.

Mr. CHARU CHANDRA ROY: It is not possible for me to go and find out the statement laid on the library table——

Mr. SPEAKER: Does it arise in connection with any matter before the House today?

Mr. CHARU CHANDRA ROY: Yes, Sir. That arises in connection with a question. May I submit that this kind of statements should be printed along with the answers to questions.

Mr. SPEAKER: Will you please resume your seat? As I said the other day these things are done according to the existing practice. If it is sought to change the practice I would be prepared to discuss the matter with the leaders of parties and with their advice I will carry out the direction of the House. I think I need not say anything more in the matter.

Dr. NALINAKSHA SANYAL: Sir, what is the position regarding my adjournment motion?

Mr. SPEAKER: I already said I refused consent. Yes, Mr. Roy.

Mr. KIRAN SANKAR ROY: Sir,——

Dr. NALINAKSHA SANYAL: Sir,——

Mr. SPEAKER: Will you please resume your seat? Your conduct is disorderly. If you again rise I will have to take drastic action against you, Yes, Mr. Roy.

Mr. KIRAN SANKAR ROY: Sir,——

Dr. NALINAKSHA SANYAL: Sir,——

Mr. SPEAKER: Order, order. Please sit down. If you rise next time I will have to name you.

Discussion on the effect of a closure motion.

Mr. KIRAN SANKAR ROY: Mr. Speaker, Sir. Resuming my observations where I left them on Tuesday last, what I was trying to impress on you, Sir, was this. Rule 48 says——(Dr. NALINAKSHA SANYAL: Rule 46.) I am sorry I made a mistake in mentioning the number—I have not read the rules hundred times nor even ten times. Rule 46, I need not read it, makes it perfectly clear that the right of a member to move a closure motion and to have the motion put to vote is not an absolute right. That right is limited by the discretion of the Speaker. This discretion, it is clear, is given to the Speaker for the purpose of safeguarding the interests of the minorities, because Sir, at any time the majority party may move a motion for closure and stifle discussion. Now, Sir, on that day, on the 25th May, this discretion was used by you in favour of the closure motion. The whole point now is whether your using your discretion in that way was justified or not. I believe you were influenced very much by the idea that the debate could not proceed peacefully on that day. There was too much disturbance for the debate to continue peacefully. My first submission to you is that the debate should not have been interfered with and should not have been closed and that it should have been allowed to proceed. For the disturbance was of a very limited character. It was confined to this—that the Opposition was not inclined to give a hearing to the Hon'ble Mr. T. C. Goswami. The Opposition, as I said the other day, was quite willing to hear Mr. Hendry, the Hon'ble Mr. Tamizuddin Khan, the Minister of Education, and also the Chief Minister. The Opposition leaders also wanted to speak and they had not spoken on the bill at all. I suppose you were under the impression that had the Opposition leaders been allowed to speak they would meet with the same opposition as Mr. Goswami when he attempted to speak, and therefore you concluded that the debate could not proceed. Sir, I have it on the authority of an interjection by Khan Bahadur Mohammed Ali that Government had no such intention. If the Government had no such intention then all that you should have done on that day was to allow those members, who were willing, to speak and to proceed with the debate. But Sir, according to you, the disturbance was too much to enable a peaceful continuation of the debate. If you, Sir, think that this contention on my part that the debate could have proceeded peacefully is wrong, and you are of the opinion that the debate could not have proceeded peacefully I come to my second point which is this: If the disturbance was too much for a peaceful debate I contend that the disturbance was also too much for putting the closure motion to vote.

We cannot have a voting unless it is a peaceful voting. On that day it was a disturbed sitting: there was too much disorder: you were not obeyed by the members: the members were not in their seats. In that

case you should have immediately adjourned the House and not put the closure motion to vote. Sir, as I have said, I have read the rules very carefully, but I have searched in vain for any section which says that in the case of the House being disorderly the Speaker should forthwith put the matter to vote. I submit, if I may with your permission, Sir, that your clear duty on that day was to adjourn the House without putting the motion to vote, if you thought that the House was disorderly and that the disturbance was too much. But if you thought that the disturbance was not too much you should have allowed the debate to continue.

There are one or two other matters which I would like to mention. There is, so far as I know, the technicality of putting a thing to vote. The motion had to be put to vote twice, the interval being necessary for giving an opportunity to the Opposition to claim a division. So far as I remember, you put the motion to vote only once and there was no opportunity for the Opposition to claim a division. Sir, that is my third point.

Lastly, I should like to know which of the many discussions was sought to be closed by the closure motion. There were three motions before the House. There was one motion regarding circulation for public opinion: there was another motion seeking to refer the matter to a Select Committee of the whole House: and there was the third reference of the matter to a Select Committee with various compositions. Now, Sir, which of these various motions was sought to be closed by the closure motion—that is in doubt.

Now, Sir, I may tell you that we on this side of the House did not hear you to declare that the closure motion was passed. The disturbance was too much at the time when you are supposed to have put the motion to vote. In this view I ask you to reconsider your decision and to reopen the debate.

Sir, I make a special appeal to you to reconsider the matter because it is a serious matter. If you insist that your previous decision must stand, it will mean that whatever may be the disturbance it will be open to the majority party to move a closure motion and then, with your help, to get the motion passed in the House. That, Sir, would be an undue interference with the right of the minority. Therefore I do most earnestly appeal to you to revise your decision and to reopen the debate.

Dr. SYAMAPRASAD MOOKERJEE: Mr. Speaker, Sir, the question which is now being discussed is one of considerable importance so far as the constitutional rights of the House are concerned. I thank you, Sir, in the first instance for giving the Opposition an opportunity of expressing its view point on the ruling which you have already given. But for such permission on your part, it would not have been possible for us to express our viewpoint. My only appeal to you, Sir, is that you will keep your mind absolutely open, and if any new facts are presented before you—knowing you as we do—you will be able to rise to the height of the occasion; and if you feel convinced that your ruling has not been correct in accordance with precedents either in this House or elsewhere, then you will revise your ruling.

Now, Sir, in the first place if I refer to rule 46 just for a few brief moments, the House will see that the closure motion can be given effect to under certain specific conditions. Although it is a matter which is in the discretion of the Speaker, the Speaker also is to be guided under certain definite conditions laid down in the rule itself. I have no desire to trace the history of the closure motion in the House of Commons, but the prominent fact remains unchallenged that the closure motion, although it was devised to prevent the Opposition from carrying on a ceaseless policy of obstruction, yet there were certain safeguards deliberately put in which prevented the majority party for the time being from suppressing the rightful claims of the minority and gagging its legitimate expression of opinion. Now, here the only person who can protect the minority rights is the Speaker

who is absolutely impartial and does not care for any controversy for the time being between the Government and the Opposition. Rule 46, which is more or less analogous to the wording to be found in relation to the procedure in the House of Commons, says that when a member moves that the question be now put, the Speaker has to consider whether the request is an abuse of these rules or an infringement of the rights of reasonable debate or of the rights of the Opposition, and although it is a matter which the Speaker has to decide in his own discretion, yet that discretion is to be justly, fairly and equitably exercised. Discretion in relation to what? Discretion, I submit, in relation to one of these three things: whether the demand is an abuse of the rules of the House, or it is an infringement of the rights of reasonable debate, or of the rights of the Opposition. Here may I pause for a moment and just draw your attention to the peculiar circumstances under which the closure motion, now under discussion, was moved by no less a person than the Leader of the House himself. I know that a list signed by the Whips of the different parties was handed over to you which included the names of the speakers on behalf of Government and on behalf of the Opposition. My submission with regard to that before you is that a mere presentation of that list did not signify an agreement that any of the speakers, either belonging to the Government or to the Opposition, will be given full freedom to proceed with his speech in the House. There have been cases where speakers on behalf of the Opposition have been howled down; there have been cases where the speakers on behalf of the Government have been howled down although there might have been a general agreement that those speakers were going to speak from the respective sides of the Government and the Opposition.

All that the Opposition and the Government agreed to was that these were the persons selected by the respective parties to put forward the points of view of the Government, on the one hand, and the Opposition, on the other.

Let me give you this assurance that when the Opposition decided that it would not allow Mr. Goswami to proceed with his speech, it was not a premeditated act. It was something which happened on the spur of the moment. (The Hon'ble Mr. H. S. SUHRAWARDY: Spontaneously.) "Spontaneous" as my friend spontaneously puts in my mouth, I mean my friend Mr. Shaheed Suhrawardy, who spontaneously rose on a point of order yesterday and brought the proceedings of the House abruptly to a close. Spontaneously the Opposition decided that Mr. Goswami should not be given a hearing. Sir, this is not the time nor the occasion when I may discuss how far the conduct or the action of the Opposition was justified. I claim, Sir, that if a suitable opportunity presents itself before the House, we can make our position absolutely justified why we felt that in the circumstances that happened on that day the Hon'ble Mr. Goswami who had no following among the Hindus, did not deserve to have a hearing from the Opposition. In any case, Sir, that was the attitude which the Opposition took.

What happened then? Sir, you as Speaker, rightly appealed that the Hon'ble Mr. Goswami should be allowed a hearing. The Opposition took up an obstructive attitude. It was made clear that it was not a wholesale obstructive attitude that the Opposition had taken up. The Oppsition did not say that it would obstruct the proceedings of the entire House. It was made clear repeatedly that the Opposition was prepared to hear anybody either belonging to the European Party or any of the other non-Hindu Ministers but not Mr. Goswami for reasons which soon became manifest. At that stage, the Leader of the House—the Chief Minister—got up and put forward a veiled threat (Rai HARENDRA NATH CHAUDHURI: Why veiled?)—it was not veiled, in fact, it was an open threat. What he actually said is a matter of record, but if my memory serves me right, he said that (*i*) if Mr. Goswami is not allowed to speak, no one else is going to speak on behalf of the Government, and (*ii*) if anyone gets up to speak on behalf of the Opposition, he

will not be given a hearing and then he ended his statement by saying that there will be absolute chaos. (Khan Bahadur MOHAMMED ALI: Your memory is failing.) Whether my memory is failing or Khan Bahadur Mohammed Ali's memory is failing is a matter of record. I have asked the Speaker that he can verify my statement and if I am wrong, I am prepared to be corrected at once. Now, that was the attitude taken up by the Chief Minister, who then moved a closure motion.

Then, Sir, what step did you take? I know that the House was almost in a state of pandemonium. There was uproar on both sides and you accepted the closure motion. You accepted it in spite of our protests. Now, Sir, under which particular clause of rule 46 did you accept the closure motion? That is the question which I shall put to you first. Were you satisfied that this request was not an abuse of these rules? Were you satisfied that this request was not an infringement of the rights of reasonable debate and, lastly, were you satisfied that the rights of the Opposition were not being interfered with?

Sir, the debate had not closed. You yourself had decided that the debate would continue for the rest of the day. There were many on this side who were anxious to speak and their anxiety to speak was quite reasonable because that was the only occasion when they could speak on the important general issues involved in the consideration of the Secondary Education Bill. Such an opportunity would not present itself in future on any other occasion. Further, so far as Government was concerned, the Minister of Education also owed it to himself as he also owed it to the House and to the public to reply to the points which were raised in the course of a long continued debate over the first consideration of the Secondary Education Bill. Now, the only reason why you accepted the closure motion—and this you yourself admitted—was that it was impossible for you to continue the proceedings. You said that you were helpless; the Opposition would not allow Mr. Goswami to speak and further debate could not continue because the Government side would also retaliate and there would be chaos. Therefore, you said you had no other alternative but to accept the closure motion.

Now, Sir, my submission to you is that these are circumstances which do not justify the Speaker to accept a closure motion at all. No one denies there is a conflict and the conflict continues even today—a conflict which has to be settled somehow between the Opposition and the Government. You are no party to that conflict. We in the Opposition have nothing to say against you. It is not that you have done something for which we have a grievance. We wanted Government to continue the debate, but we were not prepared to give one of its spokesmen a chance to speak and there, I am going to show you presently, we acted in accordance with constitutional precedents when we decided to prevent a Minister of the State to speak on a particular motion. Why should you interfere at this stage? Why should you take this controversy to be a controversy affecting your status and position? You may ask rightly what is the Speaker to do under these circumstances. If Government takes up a particular attitude, if the Opposition takes up another attitude and if there is no reasonableness on either side and there is pandemonium and disorder, what is the Speaker to do? My reply is—which I shall justify with reference to facts taken not only from the proceedings of this House but also from the proceedings of the House of Commons—the only honourable course open to the Speaker is to adjourn the House because the Speaker is to proceed only when the House can be conducted in a business-like way. The Speaker's duty is not somehow to put a motion to the vote in order to enable the Government, which has always a majority, to carry into effect what it desires to do.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Dr. SYAMAPRASAD MOOKERJEE: Sir, I do not propose to take up technical points as to whether the closure motion was actually carried or

whether you repeated twice that the Ayes have it or did it only once—— (Mr. ABDUR RAHMAN SIDDIQI: No, twice.) I believe that you actually did it once and not twice as is generally done, or, thirdly, which particular motion was actually to be put to the vote at this stage as there were four specific motions before the House. I am not going to take up any of these technical points.

The substantial points which I would like to raise are—first, that the closure motion was not in order in the circumstances in which it was moved and you should not have accepted it and, secondly, that you had not at all the chance of putting the closure motion to the vote of the House in view of the prevailing disorder. These are the two main points which I shall raise before you and I shall ask you to ignore the closure motion and continue the debate

As regards the first point, namely, whether the Speaker will accept a closure motion and terminate the proceedings of the House if there is grave disorder due to the action of the Opposition in preventing either a Minister or a speaker belonging to the Government side from proceeding with his speech, I refer you, Sir, before I go to the House of Commons, to the proceedings of the Bengal Legislative Assembly of the 30th September, 1942. On that day, Sir, the Deputy Speaker was in the Chair and the Deputy Speaker allowed a particular amendment to be moved by Mr. Badrudduja on behalf of the then Government Party. I am not, Sir, discussing the merits of the amendment, because that is not the question at issue. But an amendment was allowed to be moved by the Chair. As soon as that was done and after the Deputy Speaker had called upon Mr. Badrudduja to move his amendment and Mr. Badrudduja had uttered the word "Sir" (page 175), rises Mr. Abdur Rahman Siddiqi on a point of order I do not find Mr. Siddiqi here (After a pause) I see he is there (Laughter.) I know that Mr Abdur Rahman Siddiqi is getting old and if his memory fails him I do not blame him. Now, Sir, the first gentleman to rise on a point of order was Mr Abdur Rahman Siddiqi. I won't read the proceedings. The second to rise on a point of order after the Deputy Speaker had given his ruling was Mr Fazlur Rahman Then the third was Khan Bahadur Mohammed Ali, at every step the Deputy Speaker asking Mr. Badrudduja to proceed with his speech and to move the amendment The Deputy Speaker cried: "Order, order I have heard everyone and already I have given my ruling" Then rises the Leader of the Opposition himself Sir Nazimuddin and he makes a long speech in justification of the point of order respectfully asking the Deputy Speaker to revise his ruling on the ground that the amendment had raised questions vitally affecting the interests of the entire Muslim community of Bengal. Then rises Mr. David Hendry (page 178). He was the fifth to have risen on a point of order, the Chair in vain trying to ask Mr. Badrudduja to proceed with his speach. Mr Deputy Speaker then patiently replied both to Sir Nazimuddin and to Mr David Hendry Then rises Mr. A F. Stark, and the first sentence of Mr. Stark was, "Sir, one more point of order" (Laughter.) That was not disorder on the 30th September, 1942, when six members of the Opposition and the European Party in collusion with the party in opposition rose on points of order step by step and challenged the decision of the Deputy Speaker and prevented Mr. Badrudduja from moving his amendment and making his speech. (The Hon'ble Mr. H. S SUHRAWARDY: H'm.) Then Sir, rises the gentleman who just now said, "H'm", Mr. H S. Suhrawardy. (Laughter) He was the seventh gentleman. He said: "Sir, on a point of order" (page 179). Now, Sir, the poor Deputy Speaker shouted "Order, order. On this point I will not allow any further discussion and I hope Mr. Suhrawardy will not challenge the decision I have given." Then Mr. Suhrawardy cried: "No, Sir, I do not, but with great respect and the respect which I entertain for the Chair I do not challenge the decision on this point, but I do request you to reconsider the second portion of your decision." The same thing we are once again doing

before you today. Then the Deputy Speaker again tried to argue with Mr. Suhrawardy. Mr. Suhrawardy then referred to May's Parliamentary Practice for the consideration of the Deputy Speaker. I have got May's Parliamentary Practice and other volumes before me which I am going to refer just now. Then, Sir, the Deputy Speaker, after giving a chance to Mr. Suhrawardy, appealed to him: "Please sit down. It is already too late. I have already given a clear decision." At this stage—it is all printed here in the Official Proceedings—there was an uproar in the Opposition benches,—not these Opposition benches but the Opposition benches over which Sir Nazimuddin presided on that day. Mr. Suhrawardy stood again on his legs and said: "You cannot stultify a discussion". A discussion on a point of order. The Chair has no right to stultify it. The Deputy Speaker said: "Mr. Suhrawardy, I am on my legs. You know Parliamentary Practice and you should not rise. If you obstruct the proceedings of the House, two courses are left to me—either I will have to continue in spite of obstruction or I will have to——" The Deputy Speaker was not allowed to complete his sentence. Mr. Yusuf Ali Choudhury—I do not find him here; he is there I find,—shouted "Do it".

He shouted "Do it". Then Mr. Deputy Speaker said: "I have no option but to adjourn the business of the House if you proceed in this way." Then he appealed again to Mr. Suhrawardy. Mr. Suhrawardy said: "You have appealed to us, but you are stifling discussion, and I respectfully submit you cannot stop us." Then Mr. Suhrawardy again spoke, and the Deputy Speaker gave him permission to do so.

Then rises Khan Bahadur Mohammed Ali, not on a point of order, as the tenth gentleman—poor Mr. Badrudduja still trying to speak as poor Mr. Goswami tried to speak on the present occasion! Khan Bahadur Mohammed Ali rose, not on a point of order, but on a point of privilege. The Deputy Speaker did not allow him. Mr. Suhrawardy then again got up and made some remarks, and he said that he must have the right to speak. Then the Deputy Speaker said: "Mr. Badrudduja must now move his amendment." At this time there were loud cries of "no", "no" and uproar from the Opposition benches. The Deputy Speaker again called upon Mr. Badrudduja to move his motion.

Then rises Mr. Fazlur Rahman. Again and again Mr. Badrudduja renews his attempt to make his speech. The Deputy Speaker stopped Mr. Fazlur Rahman after he had spoken for a while I am not going to read the whole of it. Then Mr. Badrudduja started moving his motion, but it was not at all audible from the reporters' table on account of the loud and continued uproar and table thumping by members of the Opposition. The Deputy Speaker said, "Order, order. You are obstructing the proceedings of the House. If you go on in this way obstructing the business of the House—I am sorry the Leader of the Opposition is sitting silent though I have appealed to him times without number—if you continue in this way, it will be my painful duty to take extreme measures". Mr. Yusuf Ali Chowdhury shouted "You can do it". Then Mr. Deputy Speaker said, "Mr. Choudhury, your conduct is highly disorderly. I ask you to withdraw from the House". Mr. Yusuf Ali Choudhury retorted, "No, no. I won't withdraw". This has not yet been expunged from the proceedings of the Assembly, and I believe the then Home Minister did not call in the police either to surround the Assembly Chamber or the precincts of the Assembly. Then Mr. H. S. Suhrawardy and several other members of the Opposition stood up to speak, and there was again loud uproar and table thumping. Mr. Deputy Speaker said, "Mr. Suhrawardy, your conduct is also disorderly. Please withdraw from the House"; which, needless to say, he did not comply with and Mr. Suhrawardy of all persons yesterday got up on a point of order and said, "There is a stranger in the Assembly and the House cannot continue because the stranger has not withdrawn". The stranger of the 30th September, 1942, did not withdraw nor did he apologize to the House! (Laughter.)

Mr. M. A. H. Ispahani then rose—he is not here now; he is in Darjeeling, I am told. He got up on a point of order. There was an uproar. The Deputy Speaker then said, "This is highly derogatory to the House. You are lowering the dignity of the House. I have already asked Mr. Yusuf Ali Choudhury and Mr. Suhrawardy to withdraw from the House". But Mr. Yusuf Ali Choudhury shouted, "No, no. I won't withdraw". There were then renewed uproar and cries of "Do what you can" from the Opposition members. The Deputy Speaker could not do anything.

Mr. K. Shahabuddin who had not yet appeared on the scene now rises on a point of order, because the other members had by then been a little exhausted, and he said, "In your statement you definitely appealed to the Leader of the Opposition for certain things, and you passed very unfortunate remarks so far as the whole Opposition party is concerned. Then without giving an opportunity to the Leader of the Opposition to make his submission you most unfairly asked——" —that was the remark made against the Chair whose dignity they are most anxious to protect today. He could not finish as there were interruptions. Then the Deputy Speaker says, "I once again appeal to the Leader of the Opposition to help me in maintaining order".

Sir Nazimuddin got up and he said, "in the name of Allah that the Muslim community's interests were being trampled under foot and that there could be no question of proceeding in this way". Then the Deputy Speaker again appealed and said, "But there are members who are not withdrawing from the House. They have not carried out my order". Says Sir Nazimuddin it is in cold print—"I may mention that there are previous precedents where men like Mr. Kiran Sankar Roy and Dr. Nalinaksha Sanyal refused to obey the ruling of the Chair". That was the precedent which the Leader of the Opposition wanted to uphold. (A voice from the Government benches: You have let the cat out of the bag.) The Deputy Speaker rightly said, "Sir Nazimuddin, do you want to follow it?", and came the bold reply of Sir Nazimuddin, "I feel, Sir, that when there is a conflict between one's duty to one's community and one's province and the prestige of the House ——" —he could not complete the sentence. The Deputy Speaker said, "Just half a minute. Mr. Suhrawardy requested that the House might be adjourned for half an hour to place this matter before a Party meeting". The House adjourned after some time. Then the House met again and Mr. Badrudduja tried to speak. (A voice from the Government benches: Are you sure that the House adjuourned?) Here comes the relevant portion so far as the present situation is concerned. The Deputy Speaker then asked Mr. Badrudduja to move his motion. Mr. Badrudduja moved his motion amidst the shouting and table-thumping of the Opposition members. The Deputy Speaker at that stage was about to put the question before the House and he said, "The question before the House is——" —that was all that the Deputy Speaker was permitted to say. Some of the Opposition members rushed to the Chair and there was a great uproar. The Deputy Speaker said, "In view of the grave disorder in the House I feel it necessary to consider the matter once again and I appeal to the Leader of the Opposition to consider this matter in the proper spirit. Is it fair for the members of the Opposition to rush to the Chair in the manner in which they did? Is that Parliamentary?" Mark the point of privilege which Sir Nazimuddin raised the other day in respect of Mr. Kiran Sankar Roy! Mr. K. Nooruddin said, "To beg of you". He rushed at the Chair to beg of the Deputy Speaker. Poor Deputy Speaker! He was actually on his crutches, and he wanted to clear out of the Assembly Chamber altogether. He came back after a while and cleared the gallery; he appealed to the Party Leaders, and when there was an uproar again he adjourned the House *sine die*, and the House came to an end.

Now, Sir, the reason why I have read out these extracts from the proceedings of the Bengal Legislative Assembly is to emphasize that what has happened on this occasion is not really unprecedented. What happened in September, 1942? There was no apology coming from the Opposition to

the House or to the Speaker. There was no attempt on the part of the Opposition to co-operate with the Speaker or with the Government to carry on the proceedings of the House.

Why, Sir? Because the then Opposition, rightly or wrongly, felt that a grave situation had arisen and a procedure was being adopted which took away some of the privileged rights of the Opposition and the people it claimed to represent, and it was not prepared to tolerate such a procedure to be approved. I am not here going to discuss the propriety or otherwise of such an attitude, but that was what the Opposition did so recently as in 1942. I shall not refer to the other proceedings of the Bengal Legislative Assembly except just to mention by passing that there have been occasions when Ministers were prevented from speaking by the Opposition over which Sir Nazimuddin presided. I have here those proceedings when Mr. Fazlul Huq as the Leader of the House and Chief Minister was prevented from proceeding with his speech and the justification put forward by members of the then Opposition was that they would not hear a renegade Moslem Chief Minister. Such an attitude was also taken up in respect of the Nawab Bahadur of Dacca, Mr. Santosh Kumar Basu, and on one accasion in respect of myself too. Whatever the reasons on different occasions might be, I am not discussing what we said or did, but that occasions did arise when Ministers were prevented from speaking and——

Khan Bahadur MOHAMMED ALI: Because a provocation was given.

Dr. SYAMAPRASAD MOOKERJEE: Exactly so. I would ask the Government party members to consider this as coolly as possible that when the Government party was in opposition it did accept the position that occasions might arise when the Opposition party would constitutionally prevent either a particular Minister, even the Chief Minister, or a particular member of the Government party from proceeding with his speech, and on no occasion did the Speaker or the Deputy Speaker who was in the Chair try to put the closure motion or any particular motion under discussion to vote because of such obstruction.

Khan Bahadur MOHAMMED ALI: Was the closure motion moved?

Dr. SYAMAPRASAD MOOKERJEE: The closure motion was not moved, that is quite true. The then Government party behaved differently and allowed debates to continue. The Speaker also had to adjourn the House on certain occasions when there was a grave disorder.

Now, Sir, what is the simple point at issue? If there is a great disorder, what is the Speaker to do?—a disorder not arising out of a conflict between the Opposition and the Speaker, but a disorder arising out of a conflict between the Government and the Opposition. At that stage if the Speaker finds that the proceedings cannot continue, there are no rules which permit the Speaker to put the motion to vote in the midst of a pandemonium and bring the debate to a close. It may be argued that after all, the proceedings which I have referred to refer to the Bengal Legislative Assembly. And one of the leading newspapers of the city, the *Statesman*, under the acting editorship of Mr. Wordsworth had an article on the 26th May deriding the scenes that happened in the Bengal Legislative Assembly on the 25th. He says that "the Calcutta Corporation was one institution which was known to us where such pandemonium used to prevail and now here is another—the Bengal Legislative Assembly", and the Editor of the *Statesman*, my revered teacher, though not a *Padri*, read a sermon through the editorial, and he said: "Look at these Bengalees: What they have done—the Opposition trying to prevent a Minister from speaking! What an unprecedented thing!" And he read a most valuable sermon through the pages of the *Statesman*.

Now, Sir, I would ask for your permission to refer not too many but just three instances where a similar situation arose in the House of Commons.

I am not referring to the days of the 16t[illegible] of those few members in the House who would be [illegible] to correct me [illegible] is my honourable friend, the Finance Minister himself. I bel[illegible] has forgotten himself completely he will recall to his mind the t[illegible] incidents that happened in the House of Commons and how from prec[illegible] to precedent the rights and liberties of the English citizen came to be securely established through the unwritten constitutional laws of England. I am not referring to those old medieval days when Roman Catholic and Protestant members of the House of Commons, after using their throats to the best of their ability, used their hands freely, their shoes, their books and everything they had. I am not even referring to that historic incident when the order of the King was not given effect to by the representatives of the people in the House of Commons.

Mr. Speaker, may I have your attention because this affects you. Mr. Shahabuddin might talk with you a little later.

I am not referring to the good old medieval days of England, particularly to the incident which refers to the Speaker—so please, Sir, listen to me—when the direction of the King of England, Charles I, was violated and the Speaker was made to sit down in his Chair and put a particular motion to vote according to the wishes of the members in spite of the command coming from the King himself to dismiss the House. An occasion may arise here when we may respectfully ask the Speaker not to put a particular motion to vote if we think that that interferes with the rights and liberties of the people. But that unprecedented step was taken in the House of Commons in those medieval days. I would have been justified in referring to what happened in medieval days in England, for, after all, what we have got here today is a constitution based on those medieval ideas. What is the constitution that we are working under? Here the minority has no constitutional right to appeal to the electorate in order to remove any wrong or injustice which might have been done by the majority community in the House because we are governed by a system of separate electorate. If these 25 stalwarts belonging to the European group had been returned through joint electorate with seats reserved where we could exercise our votes, I have not the slightest doubt that we could have got returned better Britons even from Calcutta to the Bengal Legislative Assembly. They know that they have their own pocket constituencies, they know that they can defy public opinion in this province; they know that they can do whatever they like, because they come through separate electorate. They are not afraid of public opinion in Bengal; they do not care for it——

Mr. FAZLUR RAHMAN: On a point of order, Sir——

(At this stage there was tremendous noise and table thumping from the Opposition benches.)

Mr. SPEAKER: Yes, Dr. Syamaprasad.

Dr. SYAMAPRASAD MOOKERJEE: I am not however referring to those medieval days. It is relevant: it is relevant in the sense that we have not here a constitution based on religious considerations.

Khan Bahadur MOHAMMED ALI: Sir, is the constitution under discussion?

Dr. SYAMAPRASAD MOOKERJEE: It is. Now, Sir, as I said, I shall not refer to a large number of illustrations, though I have got reference here to numerous cases in the House of Commons where the Speaker had no option but to adjourn the House or suspend the House as disorder prevailed and business could not continue. But I shall [illegible]ly to three—three of the most celebrated cases in recent English [illegible]entary history. Let me refer first of all to one of these cases where [illegible] a person than the Right Hon'ble Mr. Asquith, Prime Minister of

[redacted] allowed to move his resolution. That [redacted] book on "Modern History of the English [redacted] comments on that incident. "When Mr. Asquith [redacted] of July, (1911) to move the rejection of the [redacted] and to make his statement, the Opposition simply refused him a hearing. He was howled down and the Speaker had to adjourn the House"—mark it, Sir—"without question being put." That is for you, Sir. Mr. Asquith himself in his biography—I shall give you all the references if you are going to change your mind—volume 2, page 99, "Fifty years of Parliament" refers to the incident in these words: "The Commons met on the 24th to consider the Lords' amendment but when I rose to give in detail the grounds for the advice we had tendered to the Crown I was persistently shouted down and was ultimately unable to proceed on account of the disorder—a unique incident at that time and I believe still in the experience of any Leader of the House" barring Mr. Fazlul Huq who was on several occasions shouted down by the Opposition Party. He proceeds: "In order that the country might not be left in the dark"—this is for Mr. Goswami—"I had no option but to issue the statement which I had intended to make in the House and see it published in the next morning." If Mr. Goswami did not get a hearing here he could have followed Mr. Asquith and sent his learned dissertation to the newspapers so that we might have known what exactly he had to say. (Khan Bahadur MOHAMMED ALI: All of you could do this.)

Now, Sir, you may well ask what was the disorder like and you may well ask who were the persons who were involved in it. This is for the benefit of Mr. Wordsworth for a second editorial in tomorrow's newspapers. The two stalwarts who led this demonstration were no other than Mr. F. E. Smith (afterwards Lord Birkenhead, Secretary of State for India and Lord Chancellor), and Lord Hugh Cecil, who is now the Provost of Eton, one of the most respected personages in the field of education in Great Britain today. I take this from Hansard—this is not the gift of the present Opposition to the House—page 1467, 1911, Parliamentary Debates, House of Commons: "The Prime Minister rose in his place to move that the Lords' amendments be now considered and was immediately assailed with Opposition cries of 'traitor'." (Dr. NALINAKSHA SANYAL: Not renegade.) Mr. Speaker immediately appealed. "I must ask the two honourable members"—mind you, Sir, Mr. F. E. Smith and Lord Hugh Cecil—"sitting immediately above the gangway not to interrupt the Prime Minister but to pursue the ordinary parliamentary practice." Members on the Government party shouted "Name them" and there were renewed cries from the Opposition "traitor, traitor". It went on like that, (Dr. NALINAKSHA SANYAL: I think that is more parliamentary than renegade) and member after member got up. Mr. Speaker went on appealing to the Opposition to give the Prime Minister a chance but to no effect whatsoever. The Prime Minister rose—I have noted here as many as six times—to make his speech but he was not given a chance to proceed. Lord Hugh Cecil went on saying when the Speaker made a special appeal to him—"I must appeal to the Noble Lord to desist from constant interruption"—that "the Prime Minister has prostituted ordinary parliamentary usage". That was the wording which was used by Lord Hugh Cecil. (Interruption from Coalition benches.) Do not go on making this zoological garden sounds. Lord Hugh Cecil was not prepared to yield. The Speaker appealed to him, "You cannot use such language. Ordinary rules of courtesy demand that you should hear him" and the reply of Lord Hugh Cecil was, "Sir, this is not an ordinary occasion." It went on like that, Sir, page after page describes it and then the Prime Minister made some sort of speech which was not fully heard from the Reporters' gallery. Then rose Mr. Balfour, Leader of the Opposition, and Mr. Balfour was not interrupted by the Government part[redacted] Balfour was given a hearing and later on Sir Edward Grey got up [redacted] the Opposition, "Although you did not permit the Prime Minister [redacted] each

our party has not prevented the Leader of the Opposition to speak" unlike the veiled threat of Khwaja Sir Nazimuddin that "If Mr. Goswami does not speak then we apprehend that there may be opposition to any Opposition member speaking and it may end in chaos". Then rose Mr. F. E. Smith. He tried to speak on behalf of the Opposition for five minutes. The proceedings say he tried to utter one syllable like Mr. Goswami but did not obtain a hearing. There was uproar. The Speaker got up—and here I beg to remind the House that there were also members who rose on a point of order when the Speaker was on his legs. One Mr. Hunt immediately got up and said "On a point of order"—this is for the *Statesman* again, I am sorry Mr. Wordsworth is away. Now, as you, Sir, have often pathetically appealed to both sides of the House, the Speaker there in 1911 said, "The honourable member will perhaps allow me to finish my sentence." (Laughter) "I beg to remind the House of the Standing Order which is as follows: "In the case of grave disorder arising in the House the Speaker may, if he thinks it necessary to do so, adjourn the House without question put or suspend any sitting for a time to be named by him". In my opinion a case of grave disorder has arisen and under the authority of the rule I adjourn the House", and the Speaker adjourned the House. (Khan Bahadur MOHAMMED ALI: Does he not say—or he can expel a member?) That is a very interesting point. I shall refer to it later. I am glad that Mr. Mohammed Ali has reminded me of that.

I shall presently refer to the speed with which you, Sir, are expelling members. Yesterday at any rate provocation was there no doubt, but you will please see that there are established rules under which, although the Opposition may interrupt the proceedings of the House, the Speaker is not entitled to expel the members only for this.

Khan Bahadur MOHAMMED ALI: What about Parnell being bodily removed?

Rai HARENDRA NATH CHAUDHURI: That was long ago.

Dr. SYAMAPRASAD MOOKERJEE: This was in 1911 Now, Sir, you may ask what happened afterwards? For 14 days the House could not proceed with the Bill. During these 14 days there was consultation between the Leader of the House and the Leader of the Opposition and there was a settlement. Meanwhile there were two motions of vote of no-confidence—one in the House of Lords and another in the House of Commons. The motion of no-confidence in the House of Lords was caried but the motion in the House of Commons was rejected. There was consultation between the Opposition and the Government and after a fortnight the Bill was considered. That was the end of that chapter.

I shall have to say something at the conclusion of my remarks about the unfortunate and obstinate attitude taken up by the Leader of the House and the Chief Minister on the present occasion. He has not shown any anxiety whatsoever to have this impasse settled and there is no attempt to put the blame and responsibility on the Speaker whose responsibility as it were is merely to put the question to the vote of the House if on account of the attitude taken up by the Government and the Opposition it becomes impossible for him to conduct the proceedings in a businesslike and calm atmosphere. That was the first incident.

Now let me come to the second incident. This I am taking from Memoirs and Reflections of Mr. Asquith himself. It refers to the Speakership of James William Lowther who became Lord Ullswater later on. "The most remarkable 'scene' which was witnessed in the House during Mr. Lowther's tenure of the chair arose in a discussion on the financial resolution for the Home Rule Bill in November, 1912. In a thin House up division Sir Banbury had on the Report stage carried a motion the Government by a very small majority and the Prime Minister

came with a motion for reconsideration." Now Mr. Asquith refers to the own words of the Speaker himself, "Two days later (November 13)"—I have got here the original Hansard also—"Mr. Asquith moved the recission resolution as amended by Banbury's amendment. This led to a series of violent scenes. Mr. Harcourt was denied a hearing. Sir William Bull called the Prime Minister a traitor and I had to request him to withdraw from the Chamber. The Attorney-General Sir Rufus Issac, afterwards Lord Reading, was shouted down and as much uproar continued which made the debate impossible, I adjourned the House for one hour" as you did, Sir, on one or two occasions "in the hope that on its resumption we might proceed in a calmer atmosphere, but my anticipations were not realised, for on resumption uproar was as great as ever. The Opposition was determined that no further progress should be made and they shouted down one of their own members Lord Helmsley and kept up a constant chorus of 'adjourn, adjourn'. It was evident after a time that no good purpose would be achieved by allowing pandemonium to continue and I had to adjourn the House for the night." Now what happened later on? "Just as I had declared the House to be adjourned and was leaving the Chair Mr. Ronald McNeill who happened to be standing on the left of my chair seized my small bound copy of the Orders of the House and hurling it across at Mr. Winston Churchill cut him on the forehead". This is for the benefit of my old teacher, Mr. Wordsworth, once more. "As the House was then technically adjourned and not sitting, I could take no action, but on the following day Mr. McNeill made a full and unqualified apology which was accepted by Mr Winston Churchill." (Mr. H. S. SUHRAWARDY: Hear, hear.) Mr. Suhrawardy says "hear, hear", but he has not yet apologised to the Deputy Speaker though he refused to obey him and withdraw from the House in September, 1942. Now, Sir, here the Speaker notes "the unlucky copy of the bound Orders is still in my possession and the bent corner of the leather binding bears evidence of the purpose for which it had been misapplied." I do not know if you have any bound copy of the Rules and Orders before you which you should protect specially. Lord Ullswater went on this is a point to which I would like to invite the attention of Sir Nazimuddin—to indicate how a serious situation was averted. "I made a suggestion that in a conference with the Prime Minister and the Leader of the Opposition I should endeavour to discover some method of getting out of our difficulties which will be more in accordance with the precedent than the course proposed by the Prime Minister. Then on the Monday following the deadlock was resolved by rejecting a certain resolution—Government withdrawing its proposal and bringing up a modified and altered Bill." Now in both the instances you have seen that an attempt for a settlement was made by the Speaker to some extent, but primarily by the Prime Minister. Although he was certain of his majority in the House, he was not prepared to have a situation created which would result in a constitutional deadlock. The Speaker was not prepared to act under his emergency powers and pass the motions by reason of the majority which the Government commanded, but there was that policy of give and take, there was that policy of mutual discussion and a real anxiety to come to some sort of a settlement. Unfortunately this has not been the case with regard to the present incident. If we are today in a deadlock, we must sit down as responsible persons, you representing the Government and we representing the Opposition and try to find out whether a solution is possible or not. It is no use Government saying that the Speaker must put a particular motion to vote; it is no use your saying, Mr. Speaker, "I am disgusted with the disorder and it is my business somehow to put a motion to the vote and run away from the House". That is not your business. If you had been presiding over a public meeting where a disorder had taken place and some political leader wanted to put a particular motion to the vote and declare it carried for general information, I could have understood it. But you are the Speaker of the Legislative Assembly and here we are sitting as representatives of the people each

trying to represent his own point of view and why, I ask Sir, has no attempt been made during the last few days since 25th May last, when this deadlock was created by the Leader of the House to settle and dispose of it. You have tried to bring us together on one or two occasions, but on no single occasion has the Chief Minister moved out of his solid chair and appealed to the Opposition to come to an honourable settlement and to proceed with the business of the House.

Dr. NALINAKSHA SANYAL: He went to Dinajpur for his Pakistan Conference.

Dr. SYAMAPRASAD MOOKERJEE: Sir, before I leave the second incident I would refer you to the Parliamentary Debates, Hansard, House of Commons, 1912, Volume XLIII. The reference here begins from page 2031 when Sir Robert Harcourt rose to speak and there were interruptions for which the honourable member had to resume his seat.

Then Sir Frederick Banbury spoke. The Attorney-General, Sir Rufus Isaacs then wanted to speak. There were the usual shouts of "Traitor, traitor" and every thing else. The Speaker went on appealing and here at the end we find the Speaker saying this: "It is quite obvious to the House that it is useless to continue." Mark it, Khan Bahadur Mohammed Ali. What about the right of expulsion, you asked. Here the members were interrupting like this: "Adjourn, adjourn", "we won't hear you", "adjourn, adjourn"; "no more business in this House". Who cried all this? Sir Edward Carson shouted "No more business in this House". Now the Speaker said, "If honourable members confine themselves to Parliamentary cries I have no power to treat them as creating disorder". Mr. Mohammed Ali might listen to this. "Therefore in the circumstances it is obvious that the Opposition having determined not to allow further business I am compelled to say that a state of grave disorder has arisen and under the Standing Order I must adjourn the House". (Rai HARENDRA NATH CHAUDHURI: Without calling the Police?)

This is (displaying the book) from "A Speaker's Commentaries" by Lord Ullswater—his auto-biography. Mr. Speaker, Sir, if you ever write your auto-biography and if there be an incident like the one I am now going to read out as a diversion, perhaps it might find a place in your book as well. What the incident was I am going to read out to you. We were discussing up till now about the uproar and disorder in the House but this affected the Visitors' Gallery. Writes Lord Ullswater at page 155 as follows: "One night when we were in the middle of an excited debate and feeling was running very high not only in the House itself but in my wife's gallery where some altercation had taken place between Lady Londonderry and Miss Asquith, I received a pressing appeal from Mrs. Asquith to keep order amongst the ladies admitted to that gallery". (Laughter.)

I am really sorry that Mr. Wordsworth has run away from the House today. He read a great sermon to the people of Bengal that we Bengalis, Hindus and Muslims, had been disorderly in the Bengal Legislative Assembly on the 25th of May and that they had come here, our masters, to teach us manners and good lessons. These are some samples of the manners which they have handed down to posterity through which British conventions had grown up in the House of Commons.

"That duty," says the Speaker, "generally fell to my wife but she was abroad in Madiera at the time and so I scribled the following reply: Dear Mrs. Asquith, I have, as much as I can, managed in keeping order amongst the devils below without having to control angels above." (Loud laughter.) I hope, Sir, you will have no occasion to write such a note to Lady Nazimuddin.

"Now this incident," the Speaker further says, "and my note were afterwards appropriated by Mrs. Humphry Ward and introduced into one of her later novels." So much by way of digression. Now let me come to

third instance. Here in the same volume at pages 156-157 he refers to the third disorder. "The respite from the scene was however only of brief duration". I will not read the other portion. There were scenes and disorders on the previous day. The Speaker managed to calm the House for a few days but on the 21st May when the Home Rule Bill was again before the House, Mr. Campbell, one of the protagonists of the Irish Loyalists who rose from the front Opposition Bench to discuss it was received with loud clamour by his own supporters and with persistent cries of "Adjourn, adjourn". "Whether it has been deliberately organised I cannot say, but at the time it appeared as though these were the facts. I did my best to quell the disturbance and made repeated appeals to the Opposition for quiet but could obtain no response beyond renewed cries of 'Adjourn, adjourn'. I then turned to Mr. Bonar Law, who was the Leader of the Opposition and asked him whether it was with his consent and approval that this demonstration was being made. Mr. Bonar Law replied, 'I will not criticise what you consider to be your duty in asking the question but I know mine and that is not to answer it'." ('Hear, hear.') "I must confess," goes on the Speaker, "that I was completely taken aback by the unexpected reply and felt rather hurt for I had hitherto seldom appealed to leaders on front benches without receiving their support. However, as it was then obvious that no reasonable discussion could be hoped for I announced that in my judgment a grave state of disorder had arisen and adjourned the House." (Looking to the Government Bench: Now cry "Hear, hear.") (Laughter.) My friends are silent. I shall not refer to the latter portion except to say this: "The week-end which intervened before the debates on the Home Rule Bill were resumed gave an opportunity for me and Mr. Bonar Law to meet and as a result of our discussions mutual explanations were offered on the following Monday. I did not hesitate to apologise for asking a question which he conceived was a reflection on his leadership and a censure upon his conduct. It was certainly not in that sense that I had addressed him and I made a blunder in putting what appeared to be an intimate question of domestic policy. I had intended no more than an appeal to him to restrain his followers, who I believed were acting otherwise than with his consent and approval. I then understood what I do not think I had previously grasped, namely, that the Opposition had expected the debate to begin with a further statement from the Prime Minister as to the Government's intention with regard to the Amending Bill. As this was now forthcoming and as Mr. Bonar Law and I had made up our differences the debate proceeded with as much harmony as Irish debates were accustomed to show in the House of Commons."

Now, Sir, I shall not refer to any further incidents. But I believe what I have stated today either from the proceedings of this Assembly or from the proceedings of the House of Commons justifies our appeal to you that you have to reconsider your decision. There was no occasion the other day to accept the closure motion. The closure motion was entirely out of order. The uproar and disorder that took place called for the application of paragraph 3 of rule 16 which is as follows: "The Speaker may in the case of grave disorder arising in the Assembly suspend any sitting for a time to be named by him." Now you have to ask yourself this question: Was there any disorder on the 25th of May on account of which a closure motion was moved by the Leader of the House?

If the closure motion was nothing but an attempt to get out of the difficulty created by the disorder and to put an end to the debate, I say, Sir, that the rules do not justify the moving of such a closure motion; and even if you thought that the closure motion had to be accepted—which I humbly submit is not the case—it could not be put before the House as a motion because the House had practically ceased to exist at that particular moment. There was such a pandemonium; there was such an uproar that it did not befit the dignity of your Chair to get up in your place and say, "I put the motion before the House"; some people saying "ayes" and others

shouting and not saying anything; and you declaring that the motion had been carried. I submit, Sir, that the question is one of great constitutional importance. After all, what is the position of this House? We have to create our own convention; we have to create our own tradition. So far as the adoption of obstructive tactics is concerned, I do not feel ashamed to say that it is the privilege of the Opposition to adopt obstructive tactics whenever suitable occasion arises, and we have ample precedent for that in every Parliament where democracy has ruled. I am not referring to so-called Parliaments in countries where public opinion is gagged and where totalitarian régime is the order of the day, but wherever democracy has been claimed to exist, this inherent right of the Opposition on momentous occasions has not been challenged. How such obstructive tactics, if they go to extreme limits, have to be met by the Speaker or by the Government so as to enable proceedings to continue, is a question which I am not called upon to discuss today. As regards the particular tactics adopted by us, I claim that there was every justification for our taking the step which we have taken. We feel very strongly about the manner in which the Secondary Education Bill is being attempted to be placed on the statute book. Our appeal to the majority has failed. Our appeal to the Chief Minister has failed. Our appeal to every quarter has failed. Even if at this stage some offer comes, some genuine attempt is made for both sides to sit down round the table in a cool and calm atmosphere, so that we may ask ourselves as Bengalis, as Hindus and Muslims, anxious for the welfare of the Province how we are going to settle these difficulties which seem insuperable for the time being, I say on behalf of the Opposition that there will be no lack of co-operation from us. There must, however, be a genuine spirit of give-and-take. That is the fundamental feature of a democratic administration. Sir, I need not read out extracts from the Speaker's Memoirs, but everywhere it has been emphasized that the principal feature of Parliamentary life is that the Opposition has a definite place of its own. The Opposition is the counter-Cabinet, as Ernest Barker has so rightly pointed out. Government Party and the Opposition must go hand in hand, and the Leader of the Opposition in the House of Commons since 1937 is in receipt of a special salary of £3,000 a year which we do recommend for our distinguished Leader also. (Laughter.) That is the position which has been given to the Opposition in the House of Commons and that is the policy which has been followed elsewhere; you read chapter after chapter from Parliamentary history, you read the remarkable episodes of conflict between the majority party and the minority opposition—and everywhere you will find that in all progressive countries never was an attempt made to tyrannise the minority. Everywhere the attempt came at the right moment from the majority party, from the leaders of the majorty party, that there must be a policy of give-and-take. That is the fundamental basis of the constitutional administration under a democratic system of Government. If the Government of the day thinks that it can ride roughshod over popular opinion and some member says "the caravan will go on, let the dog bark," I say that that is not the attitude which will ever help in solving the situation. My last appeal to you, Sir, is that you are outside the pale of this controversy; you are not a party to this controversy. Let me repeat before I take my seat that the controversy that has arisen is one between the Government and the Opposition, and we do not want that you will take upon yourself the enormous responsibility of proceeding in a manner which will mean the trampling down of the rights and liberties of the minority. You call upon the Government to realise that a situation has arisen when the Opposition is determined to adopt obstructive tractics for preservation of national interest. The law does not permit you to take drastic action or to bring in Police inside the chamber. Knowing you as we do, you will be the last person to bring in Police to get rid of members who are adopting obstructive tactics. Even if you do this, policemen will be required to come with their bayonets to remove the Opposition, one member after another. I am not saying this in a mood of threat or counter-threat. We are asking

for a solution of the impasse, not by means of an arbitrary use of the power of the Speaker which does not exist, but by the appplication of the constitutional principles in a calm and cool atmosphere. Knowing each other's point of view, an honest attempt should be made even at this late stage to clear up differences so that we, Hindus and Muslims, may serve the highest interests of the Province to the best of our ability and judgment. (Loud applause.)

(At this stage Mr. A. K. Fazlul Huq rose.)

Mr. SPEAKER: Mr. Fazlul Huq, are you willing to speak now?

Mr. A. K. FAZLUL HUQ: Sir, I will take a long time, and so it will not be possible for me to finish today. I should like to speak the next day.

Mr. M. SHAMSUDDIN AHMED: Mr. Speaker, Sir, I wanted to speak on that day, and today also after what has been said by my esteemed friend Dr. Syamaprasad Mookerjee, I feel that I need not show you the rules that we have got before us, namely, the Bengal Legislative Assembly Procedure Rules, which also entitle the Opposition to draw your attention to the way in which discussions should be carried on in the house. Well, Sir,——

SJ. NARENDRA NATH DAS GUPTA: Sir, they are not in a mood to listen today.

Mr. SPEAKER: That does not matter.

Mr. SHAMSUDDIN AHMED: I am not referring——

Mr. SPEAKER: The House stands adjourned till 4-45 p.m. tomorrow.

Adjournment.

The House was then adjourned at 6-53 p.m. till 4-45 p.m. on Friday, the 9th June, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the Provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 9th June, 1944, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 8 Hon'ble Ministers and 171 members.

STARRED QUESTIONS

(to which oral answers were given)

Family allowance of security prisoners.

*393. **Mr. SIBNATH BANERJEE:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) the number of security prisoners (political) at the time when the present Ministry took office in April, 1943;

(b) the number of security prisoners released from 24th April, 1943, to 31st December, 1943;

(c) the number of persons imprisoned during this period;

(d) the total number of security prisoners whose family allowances have been sanctioned up to 31st December, 1943;

(e) the total amount of family allowance paid in December, 1943, to all security prisoners' families in Bengal; and

(f) (1) the minimum, and (2) the maximum amount of monthly family allowance granted to any security prisoner's family?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (a) 1,593 on 28th April, 1943.

(b) 439 till 18th December, 1943.

(c) to (e) Information asked for is not readily available.

(f) (1) Rs. 10 per month and (2) Rs. 150 per month.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell the House whether they could have done anything by their liberal policy to raise the amount from Rs. 10 to any higher figure?

Khan Bahadur MOHAMMED ALI: Even this Rs. 10 per month is given on compassionate grounds though the family has not been deprived of any income by the arrest and detention of the prisoner.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state how many prisoners have been fortunate to get this Rs. 150 per month?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell the House how many fortunate prisoners have got this compassionate grant of Rs. 10 per month?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. CHARU CHANDRA ROY: Mr. Speaker, Sir, may I in this connection draw your attention to the promise given to us by the Hon'ble Home Minister to tell us the policy of the Government four or five months before? May I tell the Home Minister through you again that we want to know the policy of the Government about the maintenance allowance.

Mr. SPEAKER: I think, Mr. Roy, the best course would be, if you are so desirous, that the Leader of the Opposition may ask about it.

Mr. CHARU CHANDRA ROY: It was promised by him.

Mr. SPEAKER: That is quite a different thing.

Destruction of a pontoon bridge in Chatal and Government help to Chatal municipality.

*394. **Mr. HARENDRA NATH DOLUI:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) whether reports have been collected by the District Magistrate, Midnapore, with regard to the destruction of pontoon bridge of Ghatal municipality over the river Selyee by the last devastating cyclone; and

(*ii*) whether any help out of Government Relief Measures has hitherto been extended to the said municipality?

(*b*) If the answer to (*a*) (*ii*) is in the negative, is the Hon'ble Minister considering the desirability of extending help to local bodies like the municipality of Ghatal in the district of Midnapore?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) (*i*) Yes. The potoon bridge was blown away by the cyclone which passed over Bengal in October, 1942, the greater portion of the bridge being subsequently recovered.

(*ii*) No.

(*b*) The question of assisting local bodies in the cyclone-affected areas is under consideration of Government

Mr. HARENDRA NATH DOLUI: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether he is aware how long the matter will be under the consideration of Government?

Khan Sahib HAMIDUDDIN AHMAD: How long it will be under the consideration of Government cannot be definitely said, but Government is anxious to find out some ways and means to help the local bodies.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state the exact date when the cyclone took place and the exact date when this question of consideration came up before the Government?

Khan Sahib HAMIDUDDIN AHMAD: The consideration of this question is, of course, before the Government for a long time. The Divisional Commissioner has asked the District Magistrate to collect the actual estimate of damages done by the cyclone to all the local bodies in the district of Midnapore and in the affected area of 24-Parganas. The figures are not yet complete and in the hands of the Government.

Mr. ATUL KRISHNA GHOSE: Sir, first of all let me draw your kind attention to the fact that I wanted two dates—the date of the cyclone and the date on which the question of consideration came up before the Government, but both these items have not been replied to. Still let me put my supplementary question again. Will the Hon'ble Minister be pleased to state when the Divisional Commissioner issued that circular and how far, according to that circular, information has been supplied to the department?

Khan Sahib HAMIDUDDIN AHMAD: The Divisional Commissioner wrote to the Revenue Department on 5th August, 1943, and in the meantime he has asked the District Magistrate to collect the estimate. With regard to the date of the cyclone, I cannot give the exact date but it was some time in the month of October, 1942.

Mr. ATUL KRISHNA GHOSE: In view of the reply given by the Hon'ble Minister that the cyclone took place in the month of October of 1942, are we to understand that enquiries are going on for the last two years and still the enquiry has not been finished?

Khan Sahib HAMIDUDDIN AHMAD: The whole estimate is not yet before the Government.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether within these two years those cyclone-affected people approached the Government for any help and whether any help was rendered to them?

Khan Sahib HAMIDDUDIN AHMAD: There is no question here about cyclone-affected people. It is a question about cyclone-affected local bodies with respect to their properties.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state when and how Government will come to a conclusion with regard to these damages of properties and how they are going to compensate them?

Khan Sahib HAMIDUDDIN AHMAD: I have already answered that it is under the consideration of Government how local bodies can be helped in this matter.

Nomination of union board members of police-station Kasba, Tippera.

*395. **Mr. MAQBUL HOSAIN:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact—

(*a*) that the local M.L.A. gave suggestion for the appointment of union board members of Kasba police-station, Tippera, to the Subdivisional Officer, Brahmanbaria, after the last union board election; and

(*b*) that the Subdivisional Officer, Brahmanbaria, wanted the opinion of the Kasba thana officer regarding the M.L.A.'s suggestion?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) and (*b*) Yes.

UNSTARRED QUESTION

(answer to which was laid on the table)

Grant of family allowance to security prisoner Babu Sukumar Bhowmic.

183. **Mr. JANENDRA CHANDRA MAJUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*i*) whether security prisoner Babu Sukumar Bhowmic, at present detained in the Buxa Special Jail sent a petition to the Government on the 18th August, 1943, for the grant of a family allowance;

(*ii*) whether Sukumar Babu was a paid organiser of the Insurance of India Limited receiving a monthly pay of Rs. 50 before his arrest;

(*iii*) whether Sukumar Babu's father Babu Kashinath Bhowmic retired from service as Sub-Inspector of Police under the Tippera Raj State on July, 1943, and has been receiving no pension;

(*iv*) whether Sukumar Babu's family consists of about 12 dependents including his old parents and 7 younger brothers;

(*v*) whether there is any other earning member in his family now; and

(*vi*) whether the Hon'ble Minister is considering the desirability of granting Sukumar Babu a family allowance?

(*b*) If the answer to (*a*) (*vi*) is in the negative, will the Hon'ble Minister be pleased to state the reason thereof?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) Yes.

(*ii*) He worked as an organiser of the insurance company on a commission basis and his income therefrom was Rs. 35 per month.

(*iii*) Yes, on a pension of Rs. 22-8 per month.

(*iv*) Yes, but he has only six younger brothers.

(*v*) No.

(*vi* and (*b*) An allowance of Rs. 35 per month has been sanctioned to the prisoners's father with effect from 1st May, 1943.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister please tell the House what was the source of their information that the prisoner Sukumar Bhowmic used to get only Rs. 35 and not a pay of Rs. 50 per month from the Insurance of India, Limited?

Khan Bahadur MOHAMMED ALI: Government have reasons to believe the report that he was an organiser drawing only Rs. 35 per month.

Mr. CHARU CHANDRA ROY: That is not my question. My question is, what is the source of the Government?

Khan Bahadur MOHAMMED ALI: By enquiry conducted by officers of Government.

Mr. CHARU CHANDRA ROY: Will the Government make a further enquiry from the Company whether he was a paid servant of the Company or not?

Khan Bahadur MOHAMMED ALI: Government have no reasons to disbelieve the report submitted by reliable officers of Government.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell us whether there is any harm in making a re-enquiry as to whether he was a paid servant or not?

Khan Bahadur MOHAMMED ALI: If the honourable member insists an enquiry can be made.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell us whether we can read the answer in this light that he got a commission of Rs. 35 and a salary of Rs. 50 per month?

Khan Bahadur MOHAMMED ALI: No, Sir.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether the Government will enquire into the fact that the said gentleman has had any other income besides Rs. 35 which he, so far as I can understand, used to get by way of commission?

Khan Bahadur MOHAMMED ALI: No, Sir. Government report is that his income was only Rs. 35 per month.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state definitely whether a sum of Rs. 35 was his income by way of commission or by way of commission and salary together?

Khan Bahadur MOHAMMED ALI: I cannot give a categorical reply. I presume that it is only from commission.

Mr. ATUL KRISHNA GHOSE: In view of the reply, will the Hon'ble Minister be pleased to consider the desirability of enhancing the allowance of that gentleman so that his family can live in peace?

Khan Bahadur MOHAMMED ALI: No, Sir. Unless the statement of Mr. Roy is borne out there is no case made out for an increment of the allowance. He is getting Rs. 35 per month, the amount which he was earning before his arrest.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether any reference was made to the Insurance Company in question?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. CHARU CHANDRA ROY: In view of the answers to the question of maintenance generally of all the security prisoners and specially of Babu Sukumar Bhowmic, will the Hon'ble Minister be pleased to tell us what after this maintenance allowance was granted to the family of the security prisoner is the percentage of rise in the price of foodstuffs and other materials?

Khan Bahadur MOHAMMED ALI: I have not got the figures with me. I cannot quote them off-hand.

Mr. ATUL KRISHNA GHOSE: In view of the abnormal rise in the price of all foodstuffs will the Hon'ble Minister consider the desirability of increasing the allowance of that particular security prisoner?

Khan Bahadur MOHAMMED ALI: No, Sir. He is being given an allowance equivalent to the amount which he was earning before his arrest.

Mr. CHARU CHANDRA ROY: If I may remember correctly, will the Hon'ble Minister be pleased to tell us if the policy declared by the present Cabinet was that the maintenance allowance would be doubled?

Khan Bahadur MOHAMMED ALI: No, Sir. The question of doubling did not arise. Government declared its policy that the allowance of security prisoners who were granted allowance during the period of 1942 would be doubled and of those who had been granted allowance between the period 1st January and the 24th April or thereabout would be increased by 50 per cent.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell us whether this Sukumar Bhowmic is getting the maintenance allowance from the date of his arrest?

Khan Bahadur MOHAMMED ALI: I want notice. I would like to state further that the question of doubling the allowance was also governed by a condition that the allowance granted to the security prisoners should not in any case exceed their pre-arrest income.

Mr. CHARU CHANDRA ROY: Will the Government consider the desirability of seeing that the maintenance allowance is granted to the security prisoner according to the necessity of the family, as he would have earned more money, to support his family during these hard days?

Khan Bahadur MOHAMMED ALI: Government are satisfied that the policy that is being followed by them is quite liberal and there is no further necessity of changing their policy at the present moment.

Babu ASHUTOSH LAHIRY: Will the Government be pleased to make a further enquiry into the source of income at the time of his arrest?

Khan Bahadur MOHAMMED ALI: I have already stated in reply to Mr. Roy that Government will look into the matter.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to tell us when this House will be fortunate to hear the liberal policy of Government about granting maintenance allowance?

Khan Bahadur MOHAMMED ALI: That policy has been enunciated times without number on the floor of the House.

Mr. CHARU CHANDRA YOY : Will the Hon'ble Minister be pleased to tell us did they even enunciate their policy on the floor of the House ?

Khan Bahadur MOHAMMED ALI: Yes, Sir. In replies to the Budget demands this policy has been enunciated.

STARRED QUESTIONS

(to which oral answers were given)

Muslim candidates for the post of Registrar of State Faculty and General Council of Homeopathic Medicine in Bengal.

***396. Maulvi MD. MOZZAMMEL HUQ:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that there are qualified and educated Muslim homeopathic doctors as candidates for the post of the Registrar of the State Faculty and General Council of Homeopathic Medicine in Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) how many Muslim candidates have applied for the post of Registrar;

(*ii*) what are the academic and professional qualifications of those Muslim candidates;

(*iii*) whether those Muslim candidates possess any administrative and organising experience; and

(*iv*) whether the Hon'ble Minister is considering the desirability of appointing an educated and experienced Muslim homeopathic doctor as the permanent Stipendiary Registrar of the said Homeopathic Council?

Khan Shib HAMIDUDDIN AHMED (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) There may be qualified and educated Muslim homeopaths but none of them were candidates for the post.

(*b*) (*i*) None.

(*ii*) and (*iii*) Do not arise.

(*iv*) No. The question whether the Registrar should be stipendiary or not is primarily for the Homeopathic Council to consider having regard to their financial position.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*), will the Hon'ble Minister be pleased to state how many Muslim members there are in the State Faculty and General Council of Homeopathic Medicine in Bengal?

Khan Sahib HAMIDDUDIN AHMAD: I want notice about it.

Khan Bahadur ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state who is the appointing authority of the Registrar of the State Faculty?

Khan Sahib HAMIDDUDIN AHMAD: The General Council of Homeopathic Medicine and State Faculty is the appointing authority with the previous sanction of Government.

Khan Bahadur ABDUL WAHAB KHAN: Is it a fact that no Muslim candidates applied or no suitable Muslim candidates applied?

Khan Sahib HAMIDUDDIN AHMAD: No Muslim candidates applied when the present incumbent was appointed.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister tell the House what are the qualifications necessary to be Registrar?

Khan Sahib HAMIDUDDIN AHMAD: No special qualification is determined, but the Council may appoint whomsoever it thinks suitable.

Khan Bahadur ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether the post was advertised and, if so, in what method?

Khan Sahib HAMIDUDDIN AHMAD: I cannot say off-hand whether the post was advertised, but the gentleman was appointed in an honorary capacity in the first instance and he is still continuing as such.

Khan Bahadur ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to consider the desirability of advertising this post in future, so that these appointments may not be filled up by the back-door method?

Khan Sahib HAMIDUDDIN AHMAD: When the Council considers it necessary, having regard to its financial position, to make stipendiary appointments of course Government will see that the post is advertised duly and properly.

Closing of road south of Assembly buildings.

*397. **Maulvi MD. ABDUR RASHEED:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware of the fact—

(*i*) that the road to the south of the Assembly has again been closed to traffic by the military; and

(*ii*) that this causes inconvenience to members?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) what is the reason for this closure; and

(*ii*) when the road is likely to be thrown open again?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) Yes.

(*ii*) No. There are two other gates to the House.

(*b*) The reason, I think, is apparent. It would not be in the public interest that I should describe it. In this connection I would refer the honourable member to the statement made by the Speaker on the 29th March last.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether before the military came to this decision there was any communication and correspondence between the military authorities and the Home Department?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to the statement made by the Speaker on the 29th March.

Mr. SASANKA SEKHAR SANYAL: On a point of order, Sir. The statement which was made by the Speaker was in answer to my question and that had nothing to do with the present question as to whether there was any communication between the military and the Home Department or any correspondence on that subject. I simply made an enquiry whether the Speaker had given consent to this and this was done with his previous knowledge and approval.

Mr. SPEAKER: He has given an answer. I do not know whether he is prepared to make any further statement.

Mr. SASANKA SEKHAR SANYAL: He is referring to your statement.

Khan Bahadur MOHAMMED ALI: In the statement the Speaker said that he had discussion with the leaders of the parties. (Mr. SASANKA SEKHAR SANYAL: The question was quite different) and I therefore refer the honourable member to the leader of his group.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that in the statement of Mr. Speaker on the 29th March there was no room for any reference to the question as to whether there was any correspondence or negotiation between the military and the Home Department prior to the military's arriving at this decision.

Khan Bahadur MOHAMMED ALI: The military referred it to the Speaker as was stated on that day.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the Home Department was consulted by the military before this decision was arrived at?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the Home Department offered any opinion to the military regarding the convenience or inconvenience of Members of the Legislature before it was decided to close the road?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the Home Department consulted the Speaker or asked for his opinion in this matter?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to the statement made by Mr. Speaker on the 29th March.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware that prior to this decision there was no intimation given to the Speaker nor was his opinion sought on this question?

Khan Bahadur MOHAMMED ALI: The road was closed on two occasions. Once the closure was removed, and the second time reference was made to the Hon'ble Speaker.

Mr. SASANKA SEKHAR SANYAL: Is it a fact that after the military decided to close the road one officer came to the Hon'ble Speaker and said that he had orders to close the road?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to refer to his papers and say whether before the military decided to close the road there was any approach made either to the Home Department or to the Hon'ble Speaker's Department?

Khan Bahadur MOHAMMED ALI: The military authorities first got into touch with the Commissioner of Police—that was long before the road was closed originally for the first time—and after that the road was closed. Then subsequently the barriers were removed. After that when the road was closed again for the second time prior reference was made to the Hon'ble Speaker.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the Home Department agreed to the proposal to close the road on any of these two occasions?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. ATUL CHANDRA SEN: With reference to answer (a)(iv), will the Hon'ble Minister be pleased to state whether he asked any member of this House as to whether he felt any inconvenience by the closing of the south gate?

Khan Bahadur MOHAMMED ALI: No enquiry was made from members of this House.

Mr. CHARU CHANDRA ROY: Will Government please tell the House whether we are to understand that the military can do anything in this town without consulting Government?

Khan Bahadur MOHAMMED ALI: No.

Information regarding Starred Question No. 362.

Mr. SPEAKER: Information regarding Starred Question No. 362 that I promised to give on an enquiry by Mr. Charu Chandra Roy:—

A very lengthy question was received from Mr. Pratul Chandra Ganguli on the 31st August, 1943. This question related to matters appertaining to various departments, and was split up into four different questions—unstarred questions Nos. 16, 30 and 55 and starred question No. 362 (the present question). The first three questions had already been answered. The present question was sent to the Revenue Department on the 10th September, 1943. Answer delivered was received on the 9th May, 1944. The delay in replying the question was regretted by the Department concerned, the cause stated being that the file was mislaid.

Mr. CHARU CHANDRA ROY: On a point of privilege, Sir. Some questions were tabled in this House as short-notice questions about the health of Messrs. Romesh Chandra Acharji and Kedar Nath Roy, but the Home Minister refused to accept them as short-notice questions. It is now more than a month, nearly two months, since the questions were tabled. Are we to understand that we would not get any information about the health of these security prisoners?

Mr. SPEAKER: That need not be discussed here.

Mr. ATUL KRISHNA GHOSE: Mr. Speaker, with reference to the information regarding starred question No. 362, may I know where the file was mislaid?

Mr. SPEAKER: It was mislaid in the Department.

Mr. ATUL KRISHNA GHOSE: Which Department please?

Mr. SPEAKER: That is more than I can say.

Mr. CHARU CHANDRA ROY: Mr. Speaker, my point was that we are very anxious for the health of the security prisoners.

Mr. SPEAKER: I quite understand that. If you are anxious, you can write to the Home Department. You cannot make a statement here.

Non-official Resolution.

Mr. SPEAKER: Let us take up Non-official Resolution No. 7 moved by Mr. Mirza Abdul Hafiz. I understand that Dr. Nalinaksha Sanyal was in possession of the House. I do not find him here. Is there anybody else to speak?

Mr. SYED MUSTAGAWSAL HAQUE: Mr. Speaker, Sir, I wholeheartedly support the resolution so ably moved by my esteemed friend, Mr. Mirza Abdul Hafiz. The resolution is simple and harmless. Sir, you

are aware that a resolution was passed by this House in the year 1938 fixing the communal ratio in services and Government gave effect to that resolution two or three months after and rules were also framed accordingly. It is now 1944 and we find that practically no progress has been made in the matter. The communal ratio rules are honoured more in the breach than in the observance. We have got genuine grievances so far as appointments to the various branches of public services are concerned because we have noticed that the advertisement is made in such a way and so short a time-limit is prescribed for submission of applications that it does not get wide publicity in the mofussil nor can mofussil candidates apply in time. The next question is that there was formerly one whole-time special officer to look into the question of communal ratio rules but we understand that there is no such officer now and that a certain officer is doing this work in addition to his own duties. Coming to the Department of Rationing what do we find? Only 10 per cent. to 15 per cent. of the appointments in that department have gone to Muslims and the rest to non-Muslims. This is a very important department with a huge staff and Muslims are necessarily vitally concerned in its working but here also the communal ratio rules are not being observed. Then in the matter of appointments to the A. R. P. Departments both in Calcutta including the suburbs and district headquarters the communal ratio rules have been totally ignored. Then again in making appointments to posts in the Collectorates and Civil Courts the communal ratio rules are not followed. That being the state of affairs I would submit that the resolution should be accepted and given effect to immediately. The resolution is, as I stated before, a simple one recommending the appointment of a Committee both of officials and non-officials to devise ways and means for the better working of the communal ratio rules which are not at present working properly. Rule 13 of the Communal Ratio Rules provides that 'any appointment made contrary to the provisions of these rules shall, on being brought to the notice of the appointing authority, be cancelled by that authority", but there has not been a single instance during the last 4 or 5 years to show that appointments given to a particular community in excess of what it is entitled to have been cancelled.

I would request this Government to look into this matter seriously because some officers are very zealous to appoint members of a particular community, but the communal ratio rules are there and I think the officers cannot do that. If officers are over-zealous to over-rule these rules, Government should take drastic steps against them and the appointments made in excess should be cancelled. In connexion with a question in this House by one honourable member the other day it transpired that even for the small post of P. L. As. 2,200 Muslims have been appointed and 2,900 non-Muslims have been appointed, as it appeared from the answer. This is one instance.

The other day in answer to a question we were told that communal ratio rules did not apply to temporary appointments. This is not correct. They are applicable to permanent as well as to temporary appointments, but we have found that these rules have been wrongly interpreted, and some zealous officers are not giving effect to these rules on the plea that these are temporary appointments. Sir, we find nowadays that most of the appointments are treated as temporary. Of course, we do not agree that these appointments should be so treated, although for the sake of some emergency all on a suden some appointments are made for the time-being, but—as I said—these appointments should not be treated as temporary. If this principle is accepted, there will be serious injustice both to the Muslims and to the Scheduled Castes.

I am told that it is also the grievance of the Scheduled Castes that communal ratio rules are not observed in their case. Just now a paper has been handed over to me. I am told that in the Revenue Department, for Welfare Officer and Supervisors of the relief centres, there are sixteen sanctioned posts, pay Rs. 125, the appointing officer is Mr. A. B.

Ganguli, I.C.S., 7, Pollock House, is the office. Here out of 16 appointments only 5 Muslims and 8 Caste Hindus have been taken. Of the 5 Muslims excepting one, all are graduates, whereas in respect of the Caste Hindus, of the 8 appointments made 2 have been filled by graduates and the rest by under-graduates. Sometimes the plea is taken that suitable and qualified Muslim candidates are not available, but from the figures I can show that nowadays suitable Muslim candidates are available, but the officers being over-zealous do not observe the communal ratio rules. There are 7 managers for kitchens appointed, of these 7, only 2 are Muslims and 5 Hindus. There are 20 clerks for this office; of these 4 are Muslims and 16 Hindus. This is the state of affairs in one department. Nowadays large numbers of appointments are made in the Jute Department. Only for the post of P. L. A. about 6,000 appointments have been made. In this Department also, in respect of the posts of Assistant Inspector, Inspector, Chief Inspector, the same thing has happened. Sometimes the plea is taken that you have got your Communal Ratio Officer who looks into these matters. There we have a grievance also. Formerly there was a European senior officer to look into these rules, examine them and see whether they are observed. That officer has been appointed elsewhere, and now one officer looks into these matters in addition to his other duties, which it is not possible for him to do. This officer should be one on whom we can rely; he must be an impartial officer; he must be one in whom Government have absolute confidence about his impartiality. Otherwise, the appointment of the officer and the existence of the rules are of no use. In the district appointments we have found that especially the District Judges are very communal officers. In my district most of these officers are promoted from the rank of Munsifs. Sometimes these District Judges have got the idea that they are not under the Bengal Government, they are controlled by the Hon'ble High Court and their promotion and everything depend on the recommendation of that Hon'ble Court. Therefore, these officers rather like to violate the rules and the directions of the Provincial Government. In my district one Hindu I.C.S. officer who wanted to follow the rules and regulations, especially these communal ratio rules, was transferred from that place due to the clique of the local officers. Subsequently during the régime of two District Judges we have got serious complaints about appointments. I am told that there is jugglery of figures; sometimes figures are shown and even dismissed officers are sometimes included in the list. If these figures are examined jugglery of figures and mis-statements will be found. I have put questions in the Assembly, and I draw attention to the grievances of the Muslims of my district. This is the case not in Khulna alone. I am sorry to make this remark that that is applicable to many districts in Bengal about District Judges.

About appointments made by the District Magistrate also there are grievances. Though the District Magistrates are directly under the Provincial Government, some of them are zealous. They do not care whether these rules are observed.

If, therefore, Government wants to see that the communal ratio rules are observed, they must be very strict and vigilant over the activities of these officers. Otherwise the mere passing of these communal ratio rules will not improve the situation. My community as well as the Scheduled Castes have very serious grievances, and they all feel very strongly that although 50 per cent. appointments are reserved for Muslims and 15 per cent. for the Scheduled Castes, the communal ratio rules are observed more in breach than in observance.

With these words, I wholeheartedly support the resolution moved by my friend, Mr. Mirza Abdul Hafiz.

Dr. NALINAKSHA SANYAL: Sir, can I have your permission to resume my speech? I was unavoidably detained elsewhere. If you permit

me to continue my speech I shall be obliged. I had to finish abruptly the other day.

Mr. SPEAKER: I do not know whether it is permissible under the rule.

Khan Bahadur MOHAMMED ALI: He has forfeited the right. He was not in the House.

Dr. NALINAKSHA SANYAL: That is why I am seeking the permission of the Chair, otherwise I would stand on my own right.

Mr. SPEAKER: I do not think I can allow that. This may subsequently be quoted as precedent and some difficulty may arise.

Khan Bahadur MOHAMMED ALI: You may be rest assured it is not in the rules, otherwise Dr. Sanyal would have got up and quoted the rule as usual.

Dr. NALINAKSHA SANYAL: I know rules do not permit that but the Speaker may allow.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, if a resolution has lapsed and another has come before the House——

Mr. SPEAKER: No resolution has lapsed. The House stands adjourned till 5-45 p.m. for prayer.

(The House was accordingly adjourned for prayer.)

(After adjournment.)

Mr. SPEAKER: I understand the House is not agreeable to sit any longer. The House stands adjourned till 4 p.m. on Monday next.

Adjournment.

The House was accordingly adjourned at 5-47 p.m. till 4 p.m. on Monday, the 12th June, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the Provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 12th June, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 13 Hon'ble Ministers and 186 members.

STARRED QUESTIONS

(to which oral answers were given)

Petition of Division III prisoner Debendra Nath Roy for his classification to higher division.

***398. Babu KHAGENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) that one Debendra Nath Roy who was arrested and convicted under section 38(*5*) of the Defence of India Rules has been undergoing imprisonment in the Jalpaiguri Jail as Division III prisoner;

(*ii*) that he has submitted a petition to the Deputy Commissioner, Jalpaiguri, praying for his classification to higher division in view of his social status, standard of living and education; and

(*iii*) that his father Mr. Dasharath Chandra Roy is an influential talukdar of Goila, district Bakarganj, a pensioner, an income-tax payer and an owner of valuable properties in Calcutta also?

(*b*) If the answer to (*a*)(*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state whether his prayer has been granted?

(*c*) If the answer to (*b*) is in the negative will the Hon'ble Minister be pleased to state—

(*i*) whether any enquiry has been made in his native district of Bakarganj as to his social status and education; and

(*ii*) the result of the enquiry?

(*d*) Is the Hon'ble Minister considering the desirability of classifying him as Division II prisoner?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) No.

(*c*)(*i*) Yes.

(*ii*) The enquiry revealed that the statements made in (*a*)(*iii*) of the question were not correct.

(*d*) No; I may, however, inform the honourable member that the prisoner has since been released.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the date when he applied?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*)(*iii*), will the Hon'ble Minister be pleased to state what is Mr. Dasharath Chandra Roy, the father of Mr. Debendra Nath Roy?

Khan Bahadur MOHAMMED ALI: The report says that he is not an influential man of the locality, does not pay income-tax. He is not a talukdar either of Goila or anywhere. He is an ordinary cultivator.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state how long he took to consider the application?

Khan Bahadur MOHAMMED ALI: I want notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state when this prisoner was informed of the result of the enquiry?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state who enquired into the matter?

Khan Bahadur MOHAMMED ALI: The matter was referred to the District Officer of Bakarganj.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state what is the annual income of Mr. Dasharath Chandra Roy?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. NISHITHA NATH KUNDU: Was this Mr. Dasharath Chandra Roy present during the enquiry?

Khan Bahadur MOHAMMED ALI: No, Sir.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether in considering if Debendra Nath Roy was entitled to an allowance the annual income of his father was taken into consideration?

Khan Bahadur MOHAMMED ALI: What allowance? This is a question regarding classification.

Mr. ATUL CHANDRA SEN: Not allowance. I mean classification.

Khan Bahadur MOHAMMED ALI: No, Sir. On enquiry it transpired that his father, that is to say, Mr. Dasharath Chandra Roy, was an ordinary cultivator. He was not a income-tax payer. In finding out his status Government could not agree with the contention made in (*a*)(*iii*).

Mr. NISHITHA NATH KUNDU: Is he a pensioner?

Khan Bahadur MOHAMMED ALI: I want notice.

Sj. NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that the father of Mr. Debendra Nath Roy, Mr. Dasharath Chandra Roy, enjoys a high social position among the villagers and his kinsmen?

Khan Bahadur MOHAMMED ALI: Government is not aware of that.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether a Police Officer or an Executive Officer was deputed to hold an enquiry?

Khan Bahadur MOHAMMED ALI: The actual field enquiry was conducted by a D. I. B. Officer.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether social position is also a factor which is taken into consideration in classifying the prisoners?

Khan Bahadur MOHAMMED ALI: The answer is in the affirmative.

Sj. NARENDRA NATH DAS GUPTA: In view of this reply given, will the Hon'ble Minister be pleased to state whether it was not right and proper for Government to classify Mr. Debendra Nath Roy into a higher division than what has been done in his case?

Khan Bahadur MOHAMMED ALI: Government conducted an enquiry and there was no material to justify his being placed in a higher division.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state why Mr. Dasharath Chandra Roy was not given due notice to be present during the enquiry?

Khan Bahadur MOHAMMED ALI: That was not necessary. It was only an enquiry to find out whether he paid income-tax or not or whether he had any zemindary. There was no necessity for the presence of Dasharath Chandra Roy.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether Government did not think it desirable that the person concerned should be given an opportunity to place his case when the enquiry was held?

Khan Bahadur MOHAMMED ALI: There was no necessity for doing that.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state what are the educational qualifications of Mr. Debendra Nath Roy, the prisoner?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state the date when the prisoner was released?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state the dates of his arrest and conviction?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: With reference to answer (*d*), will the Hon'ble Minister be pleased to state when this prisoner was released?

Khan Bahadur MOHAMMED ALI: I have already replied to that question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the question was received before the prisoner was released or after?

Khan Bahadur MOHAMMED ALI: I am unable to say that, but the question was received in February last.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the enquiry referred to in answer (*c*) (*ii*) was completed before the date of release of the prisoner?

Khan Bahadur MOHAMMED ALI: I have not got the date of his release. So I am unable to answer the question.

Mr. ATUL CHANDRA SEN: From the answer given to the question, do I understand that in matters like this Government depend entirely upon the information supplied by an I. B. officer without any reference to the District Magistrate?

Khan Bahadur MOHAMMED ALI: The report was received from the District Magistrate of Bakarganj.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state who was the officer deputed to hold enquiry into the status of Mr. Dasharath Chandra Roy?

Khan Bahadur MOHAMMED ALI: I have already replied to that question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the usual time taken for such enquiries?

Khan Bahadur MOHAMMED ALI: That is a hypothetical question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what time was taken in the present enquiry?

Khan Bahadur MOHAMMED ALI: There was some delay in conducting this enquiry because first when Government wrote to the District Magistrate he wanted further particulars regarding the actual address of the convict. So Government had to supply that information and there was some delay on that account.

Dr. NALINAKSHA SANYAL: What was the time taken?

Khan Bahadur MOHAMMED ALI: I shall have to calculate to answer that question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what approximate time was taken in conducting and finalising the enquiry?

Khan Bahadur MOHAMMED ALI: About four months.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how long this prisoner was under detention?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: What was the period of conviction of this prisoner?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the enquiry was finished within the period the prisoner was required to serve out his sentence?

Khan Bahadur MOHAMMED ALI: As I have already stated I have not the date of the release of the prisoner before me and therefore I am unable to answer that question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what the ordinary practice of Government is in conducting such enquiries with a view to ensuring quick disposal of such cases?

Mr. SPEAKER: That is too general a question.

Dr. NALINAKSHA SANYAL: I asked a specific question, but I did not get a proper reply. That is why I have asked this general question at least to have an idea as to what the ordinary practice is. My question is: What is the procedure adopted in such a case for conducting enquiries with a view to ensuring quick disposal of such cases?

Khan Bahadur MOHAMMED ALI: I have already pointed out that in this case there was some delay because further particulars had to be supplied to the District Magistrate. Usually if a convict comes from another district a reference has to be made to the District Magistrate of the district from which the prisoner comes and generally there is the usual delay in getting the report because the District Magistrate has to get a report from the Superintendent of Police but generally these do not take any unusual time.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether Mr. Dasharath Chandra Roy ever held any office under Government?

Khan Bahadur MOHAMMED ALI: I want notice.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to enlighten the House of the sources from which these informations have been collected that Mr. Dasharath Chandra Roy was not an influential man?

Khan Bahadur MOHAMMED ALI: I have already replied to that question.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state what method, or process or policy Government desired to adopt for avoiding the hardship that is caused to prisoners who really deserve higher classification by delaying the process of enquiries?

Khan Bahadur MOHAMMED ALI: Usually there is not much delay. A prisoner's status is taken into consideration before he is classified. In this case there was delay on account of the fact that a reference had to be made to the district authority of the district from which the prisoner hailed and therefore a reference had to be made to the District Magistrate of Bakarganj. As I have already stated a second reference had to be made again because the information asked for from the District Magistrate could not be obtained on the materials first supplied to the District Magistrate and therefore there was some delay in this case, and by the time the information reached Government, the prisoner had been released.

Number of appointments in certain services.

***399. Mr. HARENDRA KUMAR SUR:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the number of appointments made to—

(1) the Bengal Civil Service (Executive),

(2) the Bengal Police Service, and

(3) the Bengal Excise Service,

on the results of the competitive examinations held in the year 1941, 1942 and 1943 respectively both (*a*) senior and (*b*) junior grades to be shown separately;

(*ii*) the number of appointments referred to in (*i*) given to—

(1) the Muslims,

(2) the Caste Hindus, and

(3) the Scheduled Caste Hindus,

to be shown separately with respect to (*a*) each particular year 1941 to 1943 and (*b*) also the grades of service senior and junior; and

(*iii*) the place of the candidates appointed as referred to in (*ii*) in order of merit in the list of the successful candidates in the competitive examinations held in the years mentioned above?

(*b*) Will the Hon'ble Minister be pleased to state whether the vacancies to be filled up according to the Communal Ratio Settlement were declared before the competitive examinations were held in the year mentioned above or the adjustment was effected after the publication of the result when the names of the successful candidates were known?

(*c*) Is it a fact that in the beginning, after the results of the competitive examinations held in the year 1943 were known it was decided according to the communal ratio adjustment that two appointments in the senior services should go to the Caste Hindus?

(*d*) If so, will the Hon'ble Minister be pleased to state whether the decision has been given effect to?

(*e*) If not, why not?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) A statement has been laid on the Table.

(*b*) It is the practice in the department that the calculations on the basis of which appointments will be distributed are made in accordance with the Communal Ratio Rules after receipt of the examination results. This practice was followed in the years 1941-43.

(*c*) Calculations were made in the usual manner this year and it was found that the number of senior service posts to be filled by non-Muslim non-Scheduled Caste candidates was one. The fact that at one stage in the calculations it may or may not have appeared that two such vacancies would exist would be quite irrelevant inasmuch as appointments are made on the basis of the final calculation.

(*d*) and (*e*) No such decision having been made, the question does not arise.

Statement referred to in reply to clause (a) of starred question No. 399.

Caste Hindus.	Muslims.	Scheduled Castes.
	1941.	
Bengal Civil Service—		
(1) Kalipada Ghosh (3rd).	(1) A. Q. Md. Mahiuddin (1st).	(1) Dinabandhu Biswas (1st).
Bengal Junior Civil Service—		
(1) Anil Kumar Roy (9th). (2) Satyabrata Roy (10th). (3) Sankari Prasad Kar (11th). (4) Sudhansu Ranjan Sen (12th). (5) Subodh Kumar Chaudhuri (13th). (6) Amal Kanti Chatarji (14th). (7) Purna Ch. Mukherji (15th). (8) Nirmal Kanti Shaha (17th). (9) Lakshmi Kanta De (18th).	(1) Md. Samsul Haque (4th). (2) M. A. Awwal (5th). (3) A. N. Kalimulla (6th). (4) Md. Abdul Khaliq (7th). (5) Md. Abdur Razzaque (8th). (6) Syed Fazlur Rahman (10th). (7) Shamsuddin Ahmed (11th). (8) Abdul Khair Md. Faiz (12th). (9) Md. Anisur Rahman (13th). (10) Nazir Ahmed Chaudhuri (14th).	Nil.
Bengal Police Service—		
(1) Rabindra Nath Chatterji (4th)	Nil.	Nil.
Bengal Excise Service—		
Nil.	Nil.	Nil.
Bengal Junior Excise Service—		
Nil.	Nil.	Nil.
	1942.	
Bengal Civil Service—		
(1) Ramaprosad Ganguli (1st).	(1) Shaik Obaidur Rahman (1st).	Nil.
Bengal Junior Civil Service—		
(1) Sisir Kumar Chakrabarti (2nd). (2) Jagat Kishore Ray Chaudhuri (6th). (3) Rabindra Nath Singha (7th). (4) Sunil Chandra Guha (10th). (5) Basudev Basak (12th). (6) Ashataru Sen (12th). (7) Bankim Ch. Bhattacharya (13th).	(1) Md. Azizur Rahman (3rd). (2) Md. Majibur Rahman (4th). (3) Badaruddin Md. (5th). (4) Bazlul Majid (6th). (5) Md. Abul Hossain (7th). (6) Ali Ahmed Choudhuri (9th). (7) Sk. Sadruddin Munshi (10th). (8) Md. Hossain (11th).	(1) Samarendra Nath Barman (1st).
Bengal Police Service—		
Nil.	(1) Md. Shamsuddin Haider (2nd).	Nil.

Caste Hindus.	Muslims.	Scheduled Castes.
Bengal Excise Service—		
Nil.	Nil.	Nil.
Bengal Junior Excise Service—		
Nil.	Nil.	Nil.
1943.		
Bengal Civil Service—		
(1) Gurudas Goswami (1st).	(1) Md. Lutfar Rahman (1st). (2) Mirza Nurul Huda (2nd).	(1) Satish Ch. Sarkar (1st).
Bengal Junior Civil Service—		
(1) Arya Kumar Bhowmic (2nd). (2) Bhupendra Ch. Mazumdar (7th). (3) Sunil Kanti Sen (9th). (4) Chandikaprosad Banarji (11th). (5) Santi Sankar Mukherji (12th). (6) Debabrata Basu Roy (13th). (7) Anil Ch. Biswas (14th). (8) Malay K. Talukdar (15th).	(1) Hafizuddin Ahmed (8th). (2) Md. Jalaluddin (10th). (3) Md. Abdul Majid (12th). (4) A. K. M. Mamunar Rashid (13th). (5) Abu Nasr Md. Mahmod (14th). (6) Md. Abu Siddique (15th). (7) S. N. H. Mirza (16th). (8) K. M. Rahman (17th).	Nil.
Bengal Police Service—		
Nil.	(1) A. F. M. Abdul Karim (3rd). (2) A. K. Lutfor Rahman (4th). (3) Md. Hossain (5th).	Nil.
Bengal Excise Service—		
Nil.	Nil.	(1) Basudev Bala (2nd).
Bengal Junior Excise Service—		
(1) Amiyanath Majumdar (20th)	(1) Syed Mushtaque Ahmed (11th).	Nil.

N.B.—The place secured in order of merit in the respective list of Caste Hindu, Muslim, Scheduled Caste and Minority Community has been shown against the name of the officer in brackets ( ).

SJ. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state the various stages of calculations on the basis of which appointments are made?

Khan Bahadur MOHAMMED ALI: I am afraid it is not possible to deal with that matter in replying to a supplementary question.

Babu MADHUSUDAN SARKAR: With reference to the statement for 1941, will the Hon'ble Minister be pleased to state how many candidates from the Scheduled Castes were permitted to appear at the competitive examination?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us why in the year 1943 there was no post reserved for Caste Hindus in the Bengal Police Service?

Khan Bahadur MOHAMMED ALI: Evidently there was no vacancy for Caste Hindus in that year. But I can say this that these appointments were made strictly in accordance with the communal ratio rules.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us whether there was any candidate for the Bengal Police Service in the year 1943 as amongst the Hindus?

Khan Bahadur MOHAMMED ALI: I may tell the honourable member that all these appointments which are included in the statement were made on the results of the Bengal Civil Service Examination.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state why in the year 1943 it appears that for the Bengal Civil Service and the Bengal Police Service there were seven appointments made and of these five were Muslims and two Hindus?

Khan Bahadur MOHAMMED ALI: I could not follow the question.

Mr. DHIRENDRA NATH DATTA: In 1943 you will find that two appointments in the Bengal Civil Service were given to the Hindus and two to the Muslims. In the Bengal Police Service all the three appointments were reserved for the Muslims. In the Bengal Excise Service one appointment was given to a Hindu. So I find that out of eight appointments in the provincial services three were given to the Hindus and five to the Muslims. Why was this so?

Khan Bahadur MOHAMMED ALI: If I have to explain the position I must ask for notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether there was only one competitive examination or whether there were different competitive examinations for different communities?

Khan Bahadur MOHAMMED ALI: There is only one competitive examination.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state how many Caste Hindus, although they secured higher positions according to merits in the examination, were debarred simply because they were Caste Hindus?

Khan Bahadur MOHAMMED ALI: The question of debarring Caste Hindus does not arise at all.

Dr. NALINAKSHA SANYAL: With reference to the answer just now given that there was only one examination held, will the Hon'ble Minister be pleased to state if the standard applied for such examination to the three different categories of applicants belonging to the Caste Hindus, Muslims and the Scheduled Castes was the same or different?

Khan Bahadur MOHAMMED ALI: Here there is no question of any standard. It is strictly a competitive examination and the competition takes place amongst the three different communities.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the competitive examination held by the Public Service Commission is conducted separately for the three categories of candidates belonging to the three communities with three different standards applied to them?

Khan Bahadur MOHAMMED ALI: The examination is not separate, but the competition is strictly limited to the community from which the respective candidates come.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state in what sense have Government replied that one and the same examination is held?

Khan Bahadur MOHAMMED ALI: From the sense that the examination is conducted on the basis of the same syllabus on the same dates by the same examining body.

Mr. SHAHEDALI: Will the Hon'ble Minister please state what are the total number of marks and what are the marks for *viva voce*?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SHAHEDALI: Will the Hon'ble Minister please state if it is a fact that many of the undesirable candidates got through the examination only through the help of the *viva voce* examination?

Khan Bahadur MOHAMMED ALI: I do not understand what the honourable member means by "undesirable candidates". If he refers to candidates not qualified to hold the posts, or who did not pass the test, it is a different thing, but if he puts some other implication to the question I do not agree.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state why candidates who have held comparatively superior position in the competitive examination are not found acceptable by the Government in the appointment as is shown from the position within brackets under different categories?

Khan Bahadur MOHAMMED ALI: There may be various reasons: some may be medically disqualified; some may not have accepted the appointments. Unless specific cases are given, I cannot give the information.

Dr. NALINAKSHA SANYAL: With reference to the 1943 list, will the Hon'ble Minister please state why in the list under Bengal Civil Service the candidates who held the position of 5th, 6th, 8th and 10th have not been appointed?

Khan Bahadur MOHAMMED ALI: I am afraid, I have to ask for notice. It may be that the candidates were medically unfit, or that they did not accept the posts or that they were employed elsewhere.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if in the case of Bengal Civil Service examination of 1943 the Government sent for a fresh list of recommendations from the Public Service Commission over and above the originally sent list of the Public Service Commission?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state whether in the list of Muslims shown under 1943 selection there is any candidate who is a relation of any of the Ministers of Government, or Parliamentary Secretaries?

Khan Bahadur MOHAMMED ALI: Or M. L. A.s? That is too wide a question. I ask for notice.

Mr. SHAHEDALI: Will the Hon'ble Minister please state whether there was any *viva voce* examination at the inception of the B.C.S. examination?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SHAHEDALI: Will the Hon'ble Minister please state if at the outset there were only 200 marks for *viva voce* examination and now it has been increased to 400.

Khan Bahadur MOHAMMED ALI: I do not know what the position was, but at present I believe the *viva voce* examination is allotted a total mark of 400, the qualifying mark being 160.

Mr. HARENDRA KUMAR SUR: Will the Hon'ble Minister please state the reasons why the number of vacancies to be filled up in accordance with communal ratio rules are not declared before the examinations are held as is done in respect of appointments made by the Government of India?

Khan Bahadur MOHAMMED ALI: Calculations have to be made and it has to be first ascertained how many vacancies will arise and then on the

basis of the calculations certain posts are to be filled up. It is not possible therefore to notify the number of vacancies for particular communities before the examination is held.

Mr. HARENDRA KUMAR SUR: Will the Hon'ble Minister please state the reason why the number of vacancies to be filled up is not ascertained before the examination is held?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state with reference to the list of 1943, why the proportion determined in the Communal Ratio in Services Rules between Muslims, Caste Hindus and Scheduled Castes has not been followed?

Khan Bahadur MOHAMMED ALI: Sir, does the honourable member say that it has not been the policy?

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if he has been able to ascertain that the total number of Bengal Civil Service, Bengal Police Service and Bengal Excise Service appointments is 8, of which 5 have gone to Muslims, one only to a Caste Hindu and 2 to Scheduled Castes?

Khan Bahadur MOHAMMED ALI: Sir, without notice I cannot answer the question.

Dr. NALINAKSHA SANYAL: The number is there in the answer.

Khan Bahadur MOHAMMED ALI: It may be that some were promoted from the service; so that without examination it is not possible to give a reply.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if he is aware that in the matter of promotions Communal Ratio in the Services Rules do not apply?

Khan Bahadur MOHAMMED ALI: That is correct.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if he has noticed that in the list there are brackets shown against the names of all candidates which indicate that these candidates actually appeared at the competitive examination and were not candidates appointed by promotion?

Khan Bahadur MOHAMMED ALI: That is so, but the honourable member has misunderstood me. I said that apart from these appointments made on the result of the B. C. S. examination, some might have been promoted from the Junior Civil Service to the Bengal Civil Service, or might have been promoted to the Junior Civil Service from other Services.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if he has understood my question previous to this?

Mr. SPEAKER: That is not a supplementary question, Dr. Sanyal.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if he is aware that promotions are not governed by the Communal Ratio in Services Rules, and therefore the number of promotions cannot affect the proportion of appointments made other than through promotion?

Mr. SPEAKER: That is an argumentative question and is disallowed.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state in what proportion do the appointments or in what way the appointments made by promotion affect the number of persons appointed by or through competitive examination so far as the Communal Ratio in Services Rules are concerned?

Khan Bahadur MOHAMMED ALI: Sir, the principle of counterbalance sometimes applies.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state what are the respective numbers of persons of different communities promoted to the respective services as is shown in the list of 1943?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: With regard to the list shown, will the Hon'ble Minister be pleased to state why candidates as below in the list as 15, 16 and 17 have been appointed to the exclusion of candidates higher up in the list?

Khan Bahadur MOHAMMED ALI: I have already answered that question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the candidates Nos. 6, 7 and 8 in the 1943 list under "Bengal Junior Civil Service" were not recommended by the Public Service Commission at first?

Khan Bahadur MOHAMMED ALI: I ask for notice. Only candidate No. 7 has been appointed.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the candidates shown under serial Nos. 6, 7 and 8—Md. Abu Siddique, S. N. H. Mirza and K. M. Rahman—who respectively held 15th, 16th and 17th position in the competitive examination were not originally recommended by the Public Service Commission?

Khan Bahadur MOHAMMED ALI: That question was put—whether there was any supplementary list—and I asked for notice.

Adjournment Motion.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I have notice of an adjournment motion to which you have been pleased to give your consent. This is in regard to the supersession of the Commissioners of the Howrah Municipality by the Government of Bengal through an order issued on the 9th June, 1944, in exercise of the power conferred by the Defence of India Rules. May I have leave of the House in this matter? I hand over the short statement as required under the rules.

Mr. SPEAKER: You read out the motion.

Dr. NALINAKSHA SANYAL: The motion stands thus:—

This Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, namely, the supersession of the Commissioners of the Howrah Municipality by the Government of Bengal through an order issued on the 9th June, 1944, in exercise of the power conferred by the Defence of India Rules.

A statement is enclosed herewith.

Mr. SPEAKER: The short statement runs thus:—

Great surprise and strong resentment has been caused throughout the province on having come to learn on the last Saturday morning that the Government of Bengal had on the previous date, the 9th June, 1944, issued their order No. 914M. of the Municipal Branch, Department of Public Health and Local Self-Government, whereby they superseded for a period of one year the Commissioners of the Howrah Municipality in exercise of the power conferred by sub-rule (6) of rule 51-F of the Defence of India Rules with the alleged object of the maintenance of the vital services of the said local authority in the event of hostile attack.

This act of Government is unprecedented and is a gross violation of the rights of the people for local self-government under the Bengal Municipal Act. Hence this motion.

The order mentioned above was published in an extraordinary issue of the *Calcutta Gazette* on Friday, June 9, 1944, which was received by the undersigned only yesterday, Sunday, the 11th June, 1944.

(Sd.) N. SANYAL.

The 12th June, 1944.

(As there was no objection, leave was granted.)

The next thing that I have got to do is to fix the time for discussion. I think the best course would be that we fix the time at 5-45 for discussion of this adjournment motion. Mr. Shamsuddin Ahmed was in possession of the House.

Mr. A. K. FAZLUL HUQ: Sir, before you finally decide as regards the time, may I submit to you that after 7-30 it is so very dark that it is difficult for us and for practically almost all the members of this House to get a conveyance to carry us home. Therefore, Sir, I respectfully suggest that you fix the time in such a way that the two hours' debate may be finished by 7 o'clock.

Mr. SPEAKER: I think this is an unfortunate thing. I consulted both the sides and I fixed the time accordingly. My previous order stands. The time is fixed at 5-45.

Mr. Shamsuddin Ahmed was in possession of the House.

Mr. SHAMSUDDIN AHMED: Mr. Speaker, Sir, the speech that was delivered by my worthy friend Dr. Syamaprasad Mookerjee regarding——

Mr. CHARU CHANDRA ROY: On a point of information, Sir——

Mr. SPEAKER: I have already stated that he was in possession of the House.

Mr. NISHITHA NATH KUNDU: It is a very important question. Sir, who gave you that time?

Mr. SPEAKER: I am not going to say that.

Mr. CHARU CHANDRA ROY: As whip of this party, I have a right to know who gave you that time.

Mr. SPEAKER: I have fixed the time. Nobody else has done it.

Mr. CHARU CHANDRA ROY: Sir, we do not challenge your decision, but we want to know who have given you consent as regards time.

Mr. SANTOSH KUMAR BASU: Sir, there is just one point. As soon as you say this was done by agreement——

Mr. SPEAKER: I have never said this was done by agreement. I have said I have consulted them.

Mr. SANTOSH KUMAR BASU: We are entitled to know who was consulted on this side.

Discussion on the effect of a closure motion.

Mr. SHAMSUDDIN AHMED: Sir, the speech that was delivered the other day by my worthy friend Dr. Syamaprasad Mookerjee was not only all-pervasive but it was practically conclusive regarding the point at issue. I do not want to add anything, so far as that point is concerned, to what Dr. Mookerjee has submitted. I will put before this House and to you

that so far as discussion is concerned, you, Mr. Speaker, in your wisdom, thought fit to put the closure motion to the vote when Sir Nazimuddin, Chief Minister, asked the motion to be put to vote.

Sir, as has already been submitted, so far as the rights of the Opposition are concerned, I can freely submit that it is true that a very long time has been taken in discussion and it is true also that many members on this side representing various parties in the Opposition have spoken on that particular motion—I mean reference of the Secondary Education Bill to the Select Committee—but, so far as the rights of the Opposition are concerned, barring Mr. Fazlul Huq and my humble self, not a single other Leader did speak. On that particular motion, even Mr. Hendry was to speak but he was not allowed to speak. Therefore, I will most respectfully submit that even considering the position that the time taken for discussion was very long, so far as the right of the Opposition is concerned, it was certainly infringed by the moving of the closure motion by the Chief Minister Sir Nazimuddin. You know very well that members from different parties have spoken but they cannot speak on behalf of the party concerned. It is the Leaders who can speak on behalf of the party and give out the mind of the party.

Mr. Kiran Sankar Roy did not speak. Mr. Santosh Kumar Basu did not speak. Even Mr. Hendry representing the European Group did not speak and Dr. Syamaprasad Mookerjee representing the Nationalist Party did not speak. Therefore, Sir, I can tell you very frankly that so far as the rights of the Opposition were concerned they were infringed, because the leaders of the different parties had not spoken. You, Sir, in your wisdom might have thought that the motion should be put and you did put it. What I am submitting is that after what you have heard from Dr. Mookerjee, after what you have heard from other speakers, I would respectfully submit that you should reopen the whole debate and you should ask the leaders of the different parties to submit the viewpoints of their parties before this House and you should hold that the closure motion moved by Sir Nazimuddin was out of order

The question may arise that you as Speaker put the motion before the House and you may say that the House accepted the decision. But so far as that point is concerned, Sir, I can submit that when you put the motion before the House there was uproar, there was disorder, there were shouts going on inside the House We on this side of the House did not hear what you said We did not even hear what Sir Nazimuddin said. Sir, in that tumult, in that shout whatever you might have put to the House, even if I assume that you did put it to the House, that you did hear the other side shouting something, that you did say that the closure motion was put and the debate should be stopped, even then, Sir, I submit the actual motion was not before the House. Therefore, so far as that point is concerned, the whole thing, the series of things that ought to have taken place did not take place. Now the question is: you might say in your wisdom after hearing the debate, "Let the debate on the Secondary Education Bill be reopened and let it be taken up again. Let the leaders of the different parties speak out. Let the Hon'ble Minister in charge of Education speak out. Let the Chief Minister Sir Nazimuddin speak out and after that the House will give its verdict." I submit, Sir, that when the paraphernalia, when the series of things that ought to have been done were not complied with, you may say that the House should give its verdict and you put it before the House. If you think that the debate should be reopened but as the House had given its verdict the debate cannot be re-opened. If this question be raised, then I submit, Sir, that a thing which was *ab initio* void could not set things right. It would infringe the rights of the Opposition. There was uproar, disorder, etc.; nothing could be heard except shouts. Let us assume that after you have heard all the speakers on this side you decide that the rights of the Opposition were infringed and therefore you re-open the debate and declare the debate open and hold that the closure motion was not in order.

You might feel embarrassed and may legitimately ask, "I give this decision, but so far as the House is concerned it has given its verdict and therefore how is it possible for me acting as Speaker to reopen the whole thing in view of the verdict which the House has given." My submission to you, Sir, would be that what you did that day was *ab initio* void. You should not have put the closure motion to vote. It may be that you had the right to put it, but your exercise of that right was wrong. As I have said already a thing which is *ab initio* void cannot set things right and therefore I submit, Sir, that there should be no difficulty on your part to decide that the verdict of the House, if given at all, was not conclusive.

Now, Sir, I do not want to take much of your time. I say, Sir, that reasonable debate has not been allowed. So far as the rights of the Opposition are concerned, I think, Sir, that the same were not taken into consideration. The other day, Sir, Dr. Mookerjee quoted from the British House of Commons to show that all sorts of things are done there; he has defended your position also. The House heard him with rapt attention. There is no difficulty that way also. So I submit, Sir, there should not be any difficulty if you declare in your wisdom that the closure motion moved by Sir Nazimuddin was not in order and whatever you did the other day was *ab initio* void. You should declare the whole debate reopened. Let the leaders of different parties speak on behalf of their respective parties and let the House come to a decision.

With these words, Sir, I would respectfully ask you to reconsider the decision you gave the other day.

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, if you kindly allow me a few minutes of the time of the House, I shall try to offer some helpful suggestions.

Sir, the position that has arisen is rather peculiar. You are an accused before yourself and you will have to rise to the height of the occasion in order to come to a decision which is consistent not only with the propriety of the occasion but also consistent with the rules of justice.

Sir, I hope you know that there is no higher authority sitting over you and if you are in error it is sensible that you will have to rectify that error. And, Sir, I hope that while you are trying to defend your position in so far as that question may arise within yourself you will also not hesitate to make an announcement that your decision will not stand provided we are able to satisfy you that your decision was erroneous.

Sir, speeches have been made and precedents have been quoted to show that what you did on that occasion you should not have done and I do not think that I shall be able to make any more helpful contribution to the question. But, Sir, my approach to the whole question is entirely different and, if you do not mind, entirely new also. I maintain, and I hope I shall be able to satisfy you and the House that what I maintain is correct, namely, that whatever you did or was done in connection with the closure motion was entirely irregular and was thoroughly inconsistent with the rules, and that the entire closure motion was void from top to bottom.

If you will kindly refer to the context in which the closure motion came there is no difference between the different sections of the House so far as the question of fact is concerned. (Pause) Sir, will you kindly ask the Government party whip not to disturb you in the midst of my speech. I am finding fault with your decision, Sir, and therefore I want you hear me.

Mr. SPEAKER: Oh yes, I am hearing you.

Mr. SASANKA SEKHAR SANYAL: Sir, the context in which the closure motion came out so far as the question of fact is concerned is very clear. There is no difference in the different sections of the House as to how and when it came.

Now, Sir, you probably remember as everybody else does that before the closure motion came up, the House was in possession of several distinct and independent motions. One was the motion for taking the Bill into consideration. The other was a motion for circulating the Bill for eliciting public opinion thereon. The third was a motion for referring it to a Committee of the Whole House, and the fourth was for reference to an ordinary Select Committee as we understand it. That is to say, Sir, the House was in possession of four distinct and different motions, each not only independent on its own footing but each foreign to and different from another in a variety of ways.

Now, Sir, in this connectioon before I refer to the relevant rule of the Assembly procedure I want to make it clear that my point is that when the closure was brought this closure was being considered as *ultra vires* because it was not a closure of any particular or definite motion. Then, Sir, further when you put the closure motion to vote you were also not acting within the rules: you were rather acting against the rules when you put an indefinite, indistinct and unascertained motion for closure to vote. If you will refer to rule 36 of our Assembly Rules you will find that a motion can be brought to vote only when it brings up a definite matter A series of matters or a series of motions, a series of different and unconnected subjects cannot be put to the House by a motion. If you would be good enough to read rule 36, sub-rule (*1*), you will find that it says that a matter requiring the decision of the Assembly is brought forward by means of a question put by the Speaker on a motion proposed by the Speaker himself or by any other member Then, Sir, while on this point you run up to rule 46. That discusses the question of closure. When any motion,—mark here, Sir, the remarkably singular character both of rule 36 and rule 46 Rule 36 refers to a matter and rule 46 refers to any motion, namely, that when any motion is under discussion any member may move that the question be now put and so on and so forth. So, Sir, if one thing is clear in the wordings of the two rules, it is that there is not only no plurality, but there is not even duality and that all that is provided for is that a single, singular, definite, and pointed matter can be put to vote and that a closure motion can be asked for only in respect of a single definite matter In that view of the interpretation, Sir, which, I hope, is the correct interpretation, unless the Government party convinces you that it is otherwise, I maintain that the entire thing was wrong from the beginning to the end That raises a very serious question. As I have already submitted, at the time when the closure motion was put, the House was in possession of the four motions, and, whatever may be the propriety of the context, that has been discussed threadbare, the Leader of the House stood up to say that the question be now put. I ask, what was the definite question that he was proposing for being put. There were four questions, and the House was in possession of four different and independent questions. So he did not know in his own mind on what definite question he was proposing the closure motion. At that time his mind was disturbed by the existing *golmal* and the threatening chaos. Therefore, in his anxiety to get out of the situation he simply wanted the termination of the proceedings but in his anxiety to do so he landed himself in a legal difficulty, however technical that may be, and Sir, excuse me for my saying this, you also at that time was not sufficiently cool and collected and therefore you overlooked the technical breach to which you yourself and the House were subjected. The Leader of the House was not certainly referring to a definite matter. He was not putting the closure on a definite motion and that being so when the House was in the wilderness of four different motions you also did not guide the House out of the wilderness by pointing out a particular definite motion in respect of which you were proposing the closure to be put. The question still remains to be answered as to what was the closure motion about. Was it in respect of the consideration motion or was it in respect of the circulation motion or was it is respect of the motion for a committee of the whole House

or was it in respect of the motion for Select Commttee? Similarly, what did you in your wisdom put before the House? Did you put the closure for one or other of these four independent motions? Who will answer that? It is for you to decide. As I have already submitted the question is very delicate. You are an accused before yourself. You are both the judge and the accused. You have to hold the balance even. I am not sufficiently aware of the legal position so far as your decision within the House is concerned. I do not know, Sir, what the giants of law think if you have erroneously given a decision. I do not know whether the High Court or any other Court can put a brake upon your erroneous decision. I do not know whether there is an injunction available against you. I do not know whether the error of judgment of the Speaker can be set right by the wisdom of any other Tribunal. That is not what for the time being we are concerned with. All I want to say is that if I am able to convince you that you acted erroneously and that you acted improperly, do not say that it had been sufficiently discussed and that on the footing of precedents the conclusion had been correctly arrived at.

But lest you might be worried over the other question whether you can reopen your decision, I maintain just as the King cannot do any wrong so the Speaker cannot stick to a wrong if he finds that a wrong has been committed, if he finds that the procedure adopted was unwarranted not only by the exigencies of the situation but by the rules which are for the time being governing the House. Sir, the House is a creature of the statute and you are a creature of the rules which this House has framed, and Sir, I have no less an authority than yourself when I say that everybody within the House, even the Speaker, must for the time being submit to the rules obtaining. So you cannot do any wrong to the rules which you are here to administer and to apply; and if in your wisdom you find that in the excitement of the moment, in the hurry of the occasion, in the haste of the subject, you did something which cannot be justified by the rules, then Sir, knowing you as we do I doubt not that you will not hesitate to cut as --under your own decision and to pronounce that the decision was wrong. I repeat what I said at the beginning that you are your own appellate authority, and you will have to defend not only the decision that you have given but you will have also to defend the rules from the erroneous application by yourself; and in that view of the matter, for the time being I would appeal to you to consider the rules in their technical application and to come to a decision that whatever you have done you have done wrongly and you have the authority to reconsider your decision and to set right the injustice that has been done.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, I have listened fairly attentively to the case which gentlemen opposite have tried to place before you. They have built the whole structure of their criticism on false foundations. I shall try and explain them to you, Sir, to the best of my ability and I hope I will be able to convince you that the dust they have tried to throw into your eyes and the eyes of the House cannot and should not lead to a reversal of the declaration you made. They have taken their stand, Mr. Speaker, on rule 46. I should like any human being, let alone a member of this House, to tell me that there has not been sufficient debate on the many amendments—perhaps 125 moved by the 50 or 60 members that spoke on them. The second point, which they have brought to your notice with so much gusto and so many oratorical touches, is that it is the right of the Opposition to do as it likes when they think that the rights of the minority are likely to be affected. I ask you, Sir, and through you every member of this House, whether that is a point of view that should be accepted by any sane man. You yourself said it, Sir, on one occasion and suggested it on many occasions, that you had given them more than what was their due. If I am right, then, Sir, you have in no way infringed either the right of sufficient debate or any other right of the minority. Many long quotations were read out to you from the official

records of this Assembly as well as the House of Commons and books of authority were quoted at a tiring length of time to convince you, and to convince those who did not agree with them, of the fact that what was being done was an absolutely correct parliamentary procedure. Mr. Speaker, I ask you and I ask them through you again, what is the *raison d'être* and why did the British House of Commons ever invent or discover Closure? The Englishman has stood for his freedom of the right of speech and the right of association all through his parliamentary life. What I should like to know is, what was the necessity of inventing Closure Motions or Guillotines or Kangaroos or any other devices and their acceptance by Houses of Legislature, if what you are told by them was right procedure? A handful of men, and in our House here the present Opposition, cannot hold up the business of the House; and this holding up, on the confession of the honourable member for the University of Calcutta is deliberate and depends on the policy of obstruction and delaying that they have adopted. If they are given free rein, your work here and our presence would be useless. They can keep us at things, as is being done, till eternity. And it is to check this holding up, Mr. Speaker, that the Closure has been accepted universally and also as part of our policy and rules of procedure in this House. May I also, with your permission, point out that fighting for the rights of the Opposition is one thing and threatening and bullying the Speaker or the Chairman of a meeting of the House, another. I could, perhaps, have understood their grievance that the Closure Motion moved by the Leader of the House did keep back two or three of their star speakers. But before they wanted to make use of their right of speech they should have realised that as against 50 or 60 speakers who spoke on the other side, this side has been given hardly one hour for, perhaps, two or three speakers and it will be agreed that the presentation of the point of view of the Government is as important as the presentation of the case *ad nauseam* of the other side. And yet at your behest, Mr Speaker, the Leader of the House did his duty by you and by the House, when he was called upon to show a way out of the difficulty that had arisen He would have committed a gross breach of duty as Leader of the House, if he had not stood up to assist you and to see that the business of the House went on at some pace even though very slow.

I should also point out to you, Sir, that the cases brought to your notice by the honourable member for the University of Calcutta, of this House and also of the House of Commons, are not relevant nor germane to the issue before us. That disturbances do occur in houses of legislature, reaching the dimensions of what are called pandemoniums, is normal to houses where feeling runs high That, Sir, I fully admit. In doing that, members may exchange even unworthy remarks but to try and fling insinuations, in not very parliamentary language, at the Speaker, is not a privilege or right of the Opposition. We were told by the honourable member for the University of Calcutta that the Opposition had as much power over the legislature and the general affairs of the country as the Government and both were under the Speaker in this House. If this point of view is held honestly, I support it with all my heart and soul because I too consider that the Opposition, if it plays its part correctly and honourably, can influence the decisions of this House for the betterment of the people. I should like to know from honourable members opposite whether they have really played their part in the manner in which they have tried to claim their rights in the House and whether they have exercised these rights fairly and squarely. I have been painfully reminded of the intention and motive behind the whole debate. You know, Sir, that the original motion was moved on the 8th of May; to-day it is the 12th of June—one month and 4 days with a few holidays and many Adjournment Motions—and yet they feel that they are being denied their right to speak more and that there has not been sufficient debate

The main point they are questioning is your acceptance and admission of the motion "that the question be now put". You said you had read the

rules a hundred times, about which the honourable leader of the Congress Group made a sarcastic remark the other day, but when you did admit the motion, I feel certain, you were convinced in your own mind that you had granted them sufficient time for debate and that no right of the Opposition even as a minority was being infringed. Having admitted that, Sir, the only course left open to you was to put it to the House. This you did and I am one of those members of the House that heard the twice repeated "The Ayes have it", "The Ayes have it". Having done that, Mr. Speaker, your powers have been exhausted. You had given neither a ruling nor a decision, but you had declared the will, intention and decision of the House. Having done that there was nothing else for you and for the House to do except to proceed to the voting on the many amendments moved until we came finally to the original motion "that the Bill be taken into consideration". Mr. Speaker, Sir, you must have noticed that throughout the many speeches made, this fundamental fact has not been brought to your notice and, therefore, I have been compelled to the conclusion that they are taking undue advantage of the liberty you have granted them to discuss your ruling under 12(*4*) about the acceptance of the motion moved by the Leader of the House. They are, in my view, and I hope in your view also, entirely out of order when they try to drag us into channels which are not relevant to the question before us. The Chair declared, in so many words, that the House wanted the motion of the Leader of the House to be put and that it was carried and you declared it so carried. Not one word has been heard on that aspect of the case. We have had delays, we have had obstruction and we have had even adjournment motions to drag on discussion interminably and to delay the main purpose for which the House has been meeting. This has been allowed. I do not want to say anything on that point, but when, Sir, they try to tell us that you did do something or you did not do something, so far as argument is concerned, one may disagree but where facts are concerned there cannot be a difference of opinion.

I go further, Sir, and declare with all the honesty I possess, that the statement that your declaration was not heard by the Opposition is not entirely correct, for, immediately after you had made the declaration of the will of the House, the honourable leader of the Congress Group passed your Chair and made certain remarks which you heard definitely and distinctly and which I also heard. They were not complimentary to the Chair. Another member sitting behind the seceders of the Congress section also passed your Chair and made remarks which again, as I have said, were not complimentary to the Chair. That too we can ignore but we cannot ignore the fact that these two members, and one of them the leader of a group had heard the declaraton you had made and, getting incensed at it, had protested against it in language which was unworthy of him. That being so, Sir, what is it that they want now? What is it that they want you to do? You have no power to undo the decision of the House. The decision was not yours, Mr. Speaker, and therefore, I would very humbly suggest that you can allow all the discussion you please but you are, in my humble opinion, debarred from allowing the House to take any action, so far as the Secondary Education Bill is concerned, other than putting to the vote, under the declared will of the House, the amendments to the substantial motion of the Hon'ble Minister for Education. May I, Sir, as a member of this House, who has taken some interest in the constitutional aspect of our life here, also suggest to gentlemen opposite that questioning the rulings of the Speaker, even if they think them to be wrong, is not the proper method of correcting mistakes that may have been committed? One could go to your room and tell you that this has been done or that has not been done and the Speaker, in his wisdom, has the power to set things right.

May I also, Mr. Speaker, draw your attention to our Rules of Business? They had heard your declaration "the Ayes have it, the Ayes have it". After that they had the right to demand a division. (Mr. SASANKA SEKHAR

SANYAL: That is not correct.) They slept over it. They were caught napping and they must now stew in their own juice, because I categorically deny the statement that they did not hear your declaration made on the floor of the House. (Mr. SASANKA SEKHAR SANYAL: That is unfair on your part.) I saw, Mr. Speaker, when I was standing near your chair, both of them coming and protesting against your declaration in language which was unworthy, ungentlemanly, and positively unparliamentary. (Mr. SASANKA SEKHAR SANYAL: Argue well, but do not argue on wrong facts.) I heard all what they said. If they had not heard your declaration, what were they taking you to task for?

Mr. SPEAKER: Order, order. Let us hear him.

Mr. SASANKA SEKHAR SANYAL: We were hearing him very respectfully except when he was making misrepresentation of facts.

Mr. SPEAKER: Order please. Let him have his say.

Mr. ABDUR RAHMAN SIDDIQI: Sir, I claim always to give my views before you and this House truthfully. They have the right to call them foolish, they have the right to say that I am talking like a mad man, but there is not a man alive who will ever challenge my truthfulness. (Cries of "oh, oh" from the Opposition benches) (Rai HARENDRA NATH CHAUDHURI: What about half-truths?) I state categorically that Mr. Kiran Sankar Roy heard your declaration. (Cries of "No, no" from the Opposition benches) and so did Mr. Sen. Otherwise the mad manner in which they rushed up to you and in which they took you to task, would not have been witnessed, and the sentences and words, unworthy of gentlemanliness which were used, would not have been uttered. It may be that my truthfulness is unpleasant to them. It may be that I am taking the bottom out of the case by which they have tried to mislead you but there can be no question, so far as you, Mr. Speaker, and I are concerned, that these two men Mr. Kiran Sankar Roy and Mr. Atul Chandra Sen knew what you had declared and in their anger they rushed up to you. I am not quite sure whether the honourable member for the University of Calcutta will have the courage and the honesty to bear me out in the statement I am making, because he and I were standing within one foot of each other and he heard all that was said and what you and I heard. Let him say that he did not. (Uproar.) Why do these fellows shout? (Dr. NALINAKSHA SANYAL: Why you fellow go on speaking nonsense?) (Cries of "withdraw, withdraw" and loud noise.) Sir, if the word "fellow" hurts them, I withdraw it. I would call them my fellow members. These fellow members of mine had not a shred of doubt as to what had actually happened at the time. They are now trying to cry over spilt milk. Their time was when you made the declaration of the will and intention of the House, but they were shouting, they were performing the pandemonium trick thinking that they were going to run away with all the rights and privileges including even those of the majority. (Mr. CHARU CHANDRA ROY: Is all this in reply to the arguments of Dr. Mookerjee?)

Mr. SPEAKER: Order, order. Mr. Siddiqi, you go on. You have only two or three minutes' time more.

Mr. ABDUR RAHMAN SIDDIQI: What I was saying, Sir, is that they were caught napping on the occasion. Even the ubiquitous Chief Whip of the Official Opposition Group, who unfortunately happens to dominate every section of it and who like a jack in the box springs on his legs, jumps up and jumps down, even while you are on your legs and have to use your hammer ineffectively—was perhaps so excited, and so indifferent to their right of standing up and demanding a division, that he forgot to demand a division. Their chagrin at the tremendous mistake they committed cannot be allowed to undo a thing which is beyond your power. The will of the House has to be obeyed even by the Speaker and, therefore, Mr. Speaker, we have got to put the amendments to vote.

I may also, Mr. Speaker, suggest to you——

(At this stage the House was adjourned for 15 minutes for prayer.)

(After adjournment.)

Adjournment Motion.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I beg to move that this Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, namely, the supersession of the commissioners of the Howrah Municipality by the Government of Bengal through an order issued on the 9th June, 1944, in exercise of the powers conferred by the Defence of India Rules.

Sir, on Saturday morning the citizens of Howrah and the entire people of Bengal as a matter of fact were shocked and amazed to notice in the press a report that the Municipality of Howrah had been superseded by the present Government of Bengal. We rubbed our eyes to find out what was this due to; whether it was due to any maladministration in that municipality or failure on the part of the commissioners of the municipality to carry out any particular mandate of the Government as Government may be entitled to issue under the Act, or what was the reason for such an extraordinary and unprecedented step. We found, to our amazement and surprise again, that this supersession was resorted to not with a view to correct any maladministration on the part of the municipality and its executive officers, but Sir, on the plea of maintenance of vital services in the event of a hostile attack. We went on and examined further how could Government conceive of a hostile attack at Howrah when from Kohima front the Japanese had been retiring and again we paused and pondered to discover what this hostile attack really meant. Then it dawned on us that the hostile attack referred to was nothing more than a hostile attempt on the part of majority of the commissioners of the Municipality of Howrah and the rate-payers of the municipality to condemn the action of the Minister-Chairman of the Howrah Municipality.

It is common knowledge, Sir, that for more than a year now the municipality has been run or is being run by the Chairman who is also a Minister of the Government, contrary to all canons of fairplay and justice, and conventions of honest dealings with public affairs. It is common knowledge again that in April, 1942, before the Hon'ble Mr. Barada Prosanna Pain took over the office of Minister under the patronage of the Hon'ble Sir Nazimuddin he was actually found by the majority of the commissioners of the municipality to be persistently refusing to give effect to the decision of the commissioners and non-co-operating with the majority and there was a no-confidence motion passed against the Chairman at that time. Shortly thereafter, as a matter of fact, immediately after that the Chairman-Minister found solace in the bosom of the present Muslim League Government, and from that time onwards he began to obtain unusual patronage, and quite contrary to the usual practice of the Hon'ble Khwaja Sir Nazimuddin, whose fairness before this was more or less admitted even by his enemies, he began to stoop lower and lower and ultimately he brought himself down into an endless abyss.

What are the facts of the case? The facts are that Mr. Barada Prosanna Pain, in the election that took place in the Municipality of Howrah in 1942, lost the confidence of the majority of the elected commissioners of the municipality. At that time he got the patronage of the then Ministry and got certain persons of his choice nominated but even with the nominated commissioners he could not command a majority. He, thereafter, began to take recourse to methods which in the least can be termed as atrocious bribery and corruption. He offered jobs to certain persons of absolutely no qualification, created new posts without the authority of the commissioners, without even consulting them and he began to distribute patronage in ways

many and foul. Even though he got elected as Chairman with an illiterate person as Vice-Chairman whose son was offered a job overnight before the election, although he managed to get through the election——

Khan Bahadur MOHAMMED ALI: By a majority.

Dr. NALINAKSHA SANYAL: Yes, by a majority secured by purchasing votes and by offering jobs to sons and relations of the commissioners, jobs which were never sanctioned by the municipality as is being done by the present Government to maintain themselves in power, by offering patronage in various ways—he has been following the same practice here also and has probably polluted the whole Government with that practice which he started at Howrah at that time—even so, Mr. Pain soon found that he had no majority in the Howrah Municipality and he began thereafter to take recourse to further dubious methods. He did not attend meetings and took all the law into his own hands, and although the Municipal Act did not confer upon him certain powers which are to be exercised by the commissioners only, he completely ignored the commissioners and carried on the duties of his office without reference to the commissioners in most cases. The commissioners in their disgust subsequently withdrew some of the powers delegated, especialy in two respects. One was with regard to the exemption of taxes and another in regard to the carrying on of proceedings in courts of law. It was discovered by the commissioners that in these two respects, *i.e.*, remission of taxes and starting of prosecutions Mr. Pain was persistently and systematically harassing a certain class of rate-payers who were not prepared to support him in his nefarious activities and extending patronage to those who were acting to his tune. But all these attempts even did not secure him the required majority, and the commissioners continued to have a hostile attack on him. The hostile attack went on which ultimately revealed itself in the shape of an attempted case against him personally making him liable for many acts of omission and commission under the Bengal Municipal Act. Charges were framed against him in a petition sent to the Governor of Bengal and although the Governor's Private Secretary acknowledged receipt of this petition a very long time ago there was hardly any action taken thereon because Mr Pain was considered to be a very indispensable member of the Nazimuddin Cabinet And Mr. Pain was clever enough to obtain his price to the full by humiliating not only his Government but also by throwing into mud the fair name of our friend, the Hon'ble Khwaja Sir Nazimuddin.

Sir, Mr. Pain's activities in the municipality have been brought to the notice of this House from time to time through various observations, questions and interpellations. It was revealed that he was responsible for developing a land of his own near a municipal park which was recently constructed from a trenching ground. It was also suggested and it is a matter of record as it has been found by the auditors of the municipal records, that certain portion—about 4 bighas of land—belonging to the municipality disappeared and it was suspected that it disappeared into Mr. Pain's land which was purchased just towards the north of that proposed park. Mr. Pain did not stop in his attempt to make his own land improved, but he also tried to hook along with it the name of one senior I.C.S. officer of Government. Sometime ago Mr. Pain, the Chairman-Minister, who was then harassed by the then Secretary of the Department sought to bring that blessed gentleman, that officer of Government, as his own Secretary, so that he could conduct his work in the Communications Department in the same "glorious" manner as he has been known to have conducted the affairs of the Howrah Municipality. Disgusted with all these activities, the Commissioners of the Howrah Municipality by a good majority decided to go to the court of law, and sue Mr. Pain for certain acts that he had done; and they gave notice, as is required under the Bengal Municipal Act, asking him to call a meeting of the Commissioners on the 30th May. Mr. Pain, as usual, did not call the meeting; and then

the requisitionists under the Bengal Municipal Act called a meeting which was to have been held today at this time when we are in this House discussing the motion this afternoon. This was forestalled and frantic attempts were made not only by Mr. Pain and his henchmen in that municipality, but also by influential members of Sir Nazimuddin's Cabinet to bring about a situation in which he could be saved this ignominy. The Hon'ble Mr. Suhrawardy only a few days ago, *i.e.*, on the 25th May, sent for the leader of the Opposition Party in the Howrah Municipality and in the presence of certain commissioners of the municipality including Mr. Rauf, who is a member of this House, had certain proposals made which the municipal commissioners in the opposition agreed to and they had signed a letter and handed it over to Mr. Suhrawardy. But, Sir, Mr. Suhrawardy who took advantage of his position as a Minister in this way——

Maulvi AHMED ALI MRIDHA: Sir, I entered the House just now. I did not hear the motion. But, Sir, I cannot make head or tail out of what the honourable member says.

Mr. SPEAKER: Order, order.

Dr. NALINAKSHA SANYAL: Mr. Suhrawardy could not carry out his part of the contract because Mr. Pain refused to submit to the terms agreed upon. On the 7th last just the day before the order was issued, Mr. Pain approached the oppositionists with a threat that if they did not want to withdraw their position in regard to the case, he was going to ask Government to supersede the municipality. With this threat hanging on them on the 8th, these members met and in the evening having gone into the whole question carefully, they decided not to resile from the position because they felt and they knew it perfectly well that it was extremely difficult to rely on the words of Mr. Pain. In the evening of the 8th they informed Mr. Pain that they were not in a position to accede to his request. Immediately thereafter on the 9th the order of supersession came. So one is entitled to conclude that the supersession is not with a view, as is alleged, to ensure maintenance of the essential services in the municipality in the event of a hostile attack. This hostile attack, referred to, if at all, is a hostile attack not from the enemy outside but from members of the municipality against the Chairman-Minister himself. This scandalous conduct on the part of the Government has no parallel. We have had previous to this, abuses of the Defence of India Rules exposed in this House but this surpasses all.

It has been alleged that the municipal funds were in such a mess that it was not possible for the municipality to maintain certain services. The rule that has been resorted to for issuing the order lays down that certain directions have first to be given to the municipality to maintain certain services, failing which only or in the case of the municipality not complying with the directions within reasonable time, such an order may be issued. Sir, in this case, nothing of the sort was done. In this case, without giving the municipality the slightest opportunity of stating their case, without giving them any idea of supersession in contemplation, Government have peremptorily issued this order, and this is another gross violation of the intent, if not this actual wording, of the Defence of India Rules. I am sure other speakers will deal with the legal aspects, and if necessary this matter will be tested in proper courts of law. What I am now concerned with is this that here is a position which Bengal can never tolerate. The Ministry functions within certain limitations. We have got the Local Self-Government Act whereby pepole have certain rights and certain privileges. However high the position a person may hold in the Ministry, he cannot override these rights and these privileges. I submit and I request Sir Nazimuddin with the greatest amount of respect that I can command that he should retrace his steps now. It is not really like him, and I would appeal to him to stay his hands in this respect and not to allow himself to be brought down into mud in this manner.

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, I support the motion. The promulgation of an order made by the Governor on behalf of the Government of Bengal raises certain crucial grounds of facts and principle, and I demand of the Government to make the position perfectly clear in relation to both. Sir, it is rather significant that when a member of the Assembly belonging to the Opposition happens to be presiding over the destinies of a self-governing institution the Government somehow or other persuade a section of the same to declare a war and ultimately the head of the institution, namely, the Chairman, is removed, but when there is a tussle between a Chairman who is an important limb of the Government and another section of a self-governing institution, well, that self-governing institution is rewarded with an order of suppression. On the very face of it, it looks unfair and there is a flavour of nepotism, to say the least.

Now, Sir, coming to the order itself, you find that here is a statement *inter alia* that the affairs of the Howrah Municipality made the passing of it necessary as a war measure arising out of the emergency. Now, let us come to the question of facts. In the first place it is striking that of all municipalities Howrah is one place where the war emergency is very very grave: the war emergency in Calcutta is not so grave, nor that in the neighbouring municipalities of Howrah is so grave, nor the situation in the rest of the municipalities in the war zone, namely, the municipalities of Noakhali, Chittagong and other parts of Eastern Bengal, is so grave, where the war emergency is a secondary emergency as compared with the war emergency of Howrah. I do not know what emergency Howrah has particularly of its own, and I would expect the Hon'ble Minister in charge of Local Self-Government to make the position clear. In the second place, Sir, what is the story of the default on the part of the Commissioners. When did it begin, how it began and what the Government had been doing all along? It is not presumably a case of one week or one month. The emergency of the default presumably had been going on for a protracted time. I would put a straight question to Hon'ble Sir Nazimuddin as to what was the Government doing all this time that this default and delinquency had been supposed to be continuing. Even if there was a case of default, I maintain, Sir, that the law was quite clear enough for the Government to get hold of a measure for remedying the delinquency or default forthwith. Today, Sir, the Government proposes to act under sub-section (*6*) of section 51F of the rules which deals with supersession, but prior to that under sub-rule (*4*) of rule 51F, if you will kindly follow me, it is provided thus: "If in the opinion of the appropriate Government any local authority which has been ordered under sub-rule (*3*) to take any measures has failed to take or is unlikely to complete the measures within the period specified in the order, then without prejudice to any other proceedings which may be taken in respect of the contravention of the order the appropriate Government may authorise any person to take or complete the said measures and any person so authorised may, for the purpose of taking or completing the said measures, exercise all or any of the powers of the local authority or of its officers, issue such directions as he thinks fit to the officers or servants of the local authority and employ any outside agency....." and so on and so forth. That is to say, if the Government had a convincing case that the Howrah Municipality was defaulting in the matter of war measure then instead of superseding the entire body of the Commissioners, under sub-rule (*4*) of rule 51F, it was open to the Government to take away the particular powers and duties from the relevant authority of the municipality and hand over the same powers and functions to that particular appointed authority, but this was not done. Why? the reason is simple, because if there was any default in the municipality, the default was that of the executive of the said municipality. The principal executive, the Chairman, is an important limb of the

Government. He himself is supposed to be one of the unavoidable representatives of the Caste Hindu community in the Cabinet. Therefore he cannot be spared. Nothing can be done by the Government which may curtail the prestige and tarnish the security of that important functionary of the Howrah Municipality. Sir, in all fairness if there was any default, the default must have been on the part of the Chairman, and instead of waiting for a good length of time for superseding the body of the Commissioners why did not the Government take away the authority of the Chairman then and there and give the particular portion of the functions of the municipality to the nominated authority. This was not done because, Sir, as our case is, there was no *bona fide* case for war measures or dealing with delinquency or default in the matter of war measure. So, Sir, I will insist upon the Government making out a strong case in order to satisfy public opinion of the province as to what the Government had been doing all along.

Then again, Sir, I would ask this question to the proteges of the Government—why instead of applying the Defence of India Rules there was not dissolution of the municipal body under section 552 of the Bengal Municipal Act. Well, it is everybody's knowledge now in Bengal that the Chairman of the Municipality is not carrying a majority, that an unholy tussle is going on within the municipality itself. Everybody desires that that should be remedied, but, Sir, the operation had been worse than the disease itself. If they wanted to treat the municipality out of the canker this unfortunate situation ought to have been remedied by declaring the municipality dissolved and ordering a fresh election under section 552 of the Bengal Municipal Act. Sir, if that was done, probably a fresh body of Commissioners could have come in, probably the newly-elected Chairman would have commanded an absolute majority, and in that case war measures, if any, would have been successfully implemented as are being done by all the municipalities of Bengal. But since there was a tussle between the minority with the executive at its head and the majority—commissioners, the responsibility was with the minority which was unable either to convert majority or to yield to the majority in the matter of administration I therefore, Sir, charge the Government with having played into the hands of the interested persons. Government ought to have kept the interest of the Howrah Municipality and the numerous rate-payers uppermost in their mind. Sir, it is one of the biggest municipalities next to the Calcutta Corporation and to ride roughshod over an institution like this on a mere flimsy ground is to say the least highly improper and is open to criticism of favouritism as I have already put it. Therefore, the misgiving with which we view this order—the promulgation of supersession—is this, that the Government had to choose between the interest of the municipality on the one hand and the reputation of the Chairman on the other, and the Government in its anxiety to protect its own narrow interest of the Treasury Benches has struck the balance in its own favour regardless of the question of propriety and regardless of the question of the right of the subjects.

Sir, there is another aspect of the question. I heard and Dr. Sanyal has already stated on the floor of the House that a case is contemplated or is running. We hear, Sir, the executives of the Howrah Municipality are party defendants in these allegations. Whether these allegations could be proved or not is a matter for the trial court, but it in the meantime the municipality goes over to official hands that means, Sir, all valuable documents of the municipality will be in the close preserve of official secrecy. If the Howrah Municipality were dissolved and a general election had been directed the result would be a functioning democratic body with all control over relevant important documents, but once the municipality goes over to official hands those documents also go over to official hands, and consistently with the narrowness of interest

that has been exhibited by the present Government when the question comes to a trial before the competent court, we won't be surprised if the Government takes up the plea of official secrecy and withholds documents from the fair field of trial.

Therefore, Sir, from the question not only of small politics, but from the question of larger interest of rate-payers, from the point of view of the prestige of the democratic body and from the question of the ultimate security of the administration of justice, we are absolutely of one mind and we do not hesitate to condemn this promulgated order as unfair, unjust and atrocious, to say the least of it.

Mr. SYED BADRUDDUJA: Sir, I beg to support the adjournment motion which has been so ably moved by Dr. Nalinaksha Sanyal. Sir, it has become the order of the day under Sir Nazimuddin's Government anything done should have the encouragement and connivance from this Government, however irregular, however *ultra vires*, however dishonest it may be.

Sir, I am not at the present moment entering into the antecedents of this Government which are as questionable as its activities. I am not going to trace the genesis of the Government which is as reprehensible as the recent past of the Government, but I will simply refer to certain incidents which have occurred in the municipality of Howrah which will take the breath of any sensible man away, as my learned friend Mr Sasanka Sekhar Sanyal has pointed out very pertinently that Howrah Municipality is the only municipality which has been singled out for this preferential treatment by this benign Government. Reasons are not far to seek I will not enter into personal recriminations or charges against a particular Minister, but the fact is quite patent and clear. Sir, other municipalities, I admit, thanks to this Government have received some sort of subvention, but the Howrah Municipality, in spite of the recommendations of the District Magistrate for granting subvention to carry out certain A.R.P. measures the municipal commissioners and the rate-payers of the municipality of Howrah are going to be penalised has been refused all aid, has been refused all assistance, has been refused all subvention For what, Sir, because a particular Minister happens to continue to be the Chairman of the municipality and that in spite of the fact that a no-confidence motion on specific charges framed against him has been passed and in spite of the fact that his activities have not been above reproach and he has been condemned outright by the majority of the commissioners.

It may be argued, Sir, by a section of the people on behalf of Government that Mr. B. P. Pain defied the decision of the majority simply because the majority wanted to create a deadlock. But, Sir, the majority never created a deadlock. There is not a single instance on record, there is not a single decision on record of the majority which is either irregular, unfair or unjust or contravenes the spirit of any rules. Therefore, Sir, it was done to safeguard not the interests of the municipality, to safeguard not the interests of the rate-payers of the municipality, not for the maintenance of the vital services, but it was done to maintain the *status quo* in spite of the fact that Howrah could never be conceived by any stretch of imagination, by any conceivable canons of military strategy (I am not a military expert) to be the possible or probable target of attack even in the distant future especially when the enemy forces are fast retreating from the Kohima Front. I suggest that Major-General Sir Nazimuddin might enlighten the House about the propriety of the decision that his Government has taken. This Government has begun very well indeed! It commenced with torture on the masses of Bengal and it has ended with torture and tyranny on self-governing institutions like Howrah which was functioning properly. Because of the fact that a particular gentleman who does not

enjoy the confidence of the municipality, because a particular gentleman who has defied the decision of the majority of the municipal commissioners, that particular gentleman is in a vantage ground and is in an advantageous position. Therefore in order to screen him by a wrong application of the Defence of India Rules, they are trying to stultify, they are trying to thwart, they are trying to crush all self-governing institutions. Thanks to this blessed Government which is functioning through questionable methods, shady methods that have been adopted by them in the past as well as at present they are trying to crush the self-governing institutions out of their existence. This Government stands condemned before the bar of public opinion, this Government stands discredited before the bar of public opinion.

Then, Sir, I will come to another point which will clinch the whole argument. It has been pointed out with some amount of gusto that for some years past there have been arrears. In order therefore to introduce a better tone in the administration of the municipality of Howrah, in order to square up the arrears, the municipality has been superseded. You will be amazed, Sir, and the House will also be amazed to learn that during the year 1943-44 owing to a particular committee which was appointed for better collection, for better supervision and better administration of the Municipality of Howrah this year's collection has exceeded the previous year's collection by Rs. 3½ lakhs and it has exceeded the record of previous 15 years. It has been perhaps adopted as a suitable measure, because anything that suits their purpose, anything that suits the political exigencies of the situation, anything that suits their coterie domination, anything that suits to keep Sir Nazimuddin and his coterie entrenched in office by all conceivable canons of dishonesty and impropriety, anything that suits them is not objectionable in the eye of this Government. This Government, in the past, Sir, in the case of Rangpur and other municipalities has also come forward with one ukase after another, one fiat after another, one irregular order after another, one dishonest policy after another, one ill-conceived policy after another regarding municipalities, regarding self-governing institutions, regarding district boards, regarding various other things and regarding dishonest distribution of patronage to secure a majority, to support them in every questionable measure, in every dishonest measure, in every irregular measure that they might conceive of. That has got to be condemned, that has got to be denounced, that has got to be resisted, that has got to be exposed before the public eye in such a manner that this Government may not be in a position to repeat such acts of commission, repeat once more those acts much to the chagrin, much to the discontent, and much to the disintegration of public life in this country. Sir, it may be argued—the Chairman of the municipality may argue—that a deadlock has been created because a large section of people are against him and the administration may come to a standstill. The administration is at a standstill, not because of the decision of the majority, but because of the failure of the Municipal Chairman himself, because he wanted to create a deadlock, because he did not obey the decision of the majority. He sat tight in spite of the no-confidence motion passed against him and defied the decision of the majority completely disregarding the wishes of the majority representing as they did rate-payers of the Howrah Municipality. Therefore, Sir, the deadlock was due to him and not to the rate-payers of the Howrah Municipality. It was not due to the commissioners of the Howrah Municipality; it was due to the obstinate, arrogant, insolent and hectoring attitude of the Chairman himself. Defiance of authority—that has been the order of the day. Mr. Abdur Rahman Siddiqi waxed eloquent just now and talked of honesty, truthfulness, veracity, fairplay, justice as if his compeers are above reproach. Be as unfair as possible, be as unjust as possible, be as dishonest as possible, be as indiscreet as possible, but advertise before the world that you are the

custodians of the rights of the people and that you are administering the province according to the best standards of morality, the best standards of fairplay and the best standards of justice. Fortunately, there are sensible people in the world who can understand the implications of a dishonest move of this Government, there are people who can see through the game, there are people who can tear up the veil that hides the poor show behind, there are people who can expose the hollowness of the pretensions of Sir Nazimuddin's Government. I repeat once again with all the emphasis at my command, with all the seriousness at my disposal, with all the earnestness that I can bring to bear upon the situation that the genesis of this Government, its past and present activities, are as questionable, as unwarranted, as illegal, as *ultra vires*, as uncalled for, as unjustifiable as could ever be conceived of. Therefore in the name of justice, in the name of fairplay, in the name of honesty, in the name of peace and tranquillity, for the maintenance of the vital services themselves, it is necessary that there should be a contented base and that all efforts should be properly arraigned not to a policy of embarrasment as their leader will prompt but to a policy of consolidation of the scattered forces, to a policy of mobilisation of the scattered forces, to a policy of maintenance of the vital services in one supreme effort and not to supersede municipalities, not to thwart the aspirations of the people, not to crush the self-governing bodies out of their existence, but to try by every possible means to conform to the standards of morality, to the standards of justice, to the standards of fairplay, to the standards of honesty, to the standards of integrity, to the standards of truthfulness, to the standards of veracity which Mr. Abdur Rahman Siddiqi was so glibly talking about. But unfortunately we do know that behind the scene political dishonesty of a most reprehensible character occurs which might stagger the imagination of even brutes. Unfortunately in this province anything might be possible under the barbarous system of administration that prevails in this land. It could not be possible in England, it could not be possible even in Germany, today which we are denouncing so much. In support of this adjournment motion, I denounce this Government on the ground that its primitive methods, its questionable methods smack of Fascism and Nazism. The sooner they are expelled, the sooner they are discredited, the sooner they are condemned, the sooner they are exposed, the sooner they are kicked out of office, the better for the administration, the better for the people, the better for the Government, the better for the millions of people whom they profess to represent. (Loud applause from the Opposition benches.)

The Hon'ble Mr. BARADA PROSANNA PAIN: Mr. Speaker, Sir, as one of the persons most directly affected, I consider it to be my duty to give this House a few facts about the real state of affairs in the Howrah Municipality before Government passed orders superseding it. I was its Chairman when these orders were passed. This was my fourth term as Chairman. I was first elected in 1928 unanimously. I was again unanimously elected in 1931, but resigned a year later.

Having refused to use the municipal machinery in furtherance of the non-co-operation movement which was then in full operation, I felt that I could not continue as Congress Chairman and resigned. In 1938, I was again unanimously elected. The claim may be legitimately made that a person would not have been unanimously elected three times if he did not enjoy the confidence of those who elected him.

The trouble began in 1942, when, as Chairman, I began co-operating with the district authorities in A.R.P. work. The entire municipal machinery at my instance co-operated and helped to make the Howrah A.R.P. organisation the best of its kind in the province. I was, however, accused of having committed the unpardonable offence of having co-operated with officials and of having attended A.R.P. rallies held in honour

of the late Sir John Herbert and His Royal Highness the Duke of Gloucester.

The result was that in the 1942 election, though I was elected Chairman for the fourth term, I failed to secure unanimity. The majority in my favour was 18 against 16.

The gentleman who opposed me happens to be a very close friend of Dr. Nalinaksha Sanyal and in his congratulatory speech after the election confessed that he had been prompted by others to contest me.

Things did not unfortunately settle down after the elections as they were expected to, and securing a majority by means which I shall not here discuss, the opposition carried by a bare majority, resolutions, refusing to confirm many of my legitimate official acts and depriving me of powers which were necessary for the day-to-day administration of the municipality. In April, 1943, when it was known that I was joining Sir Nazimuddin's Ministry, a raging and tearing campaign was started against me in the press and on the platform. Dr. Syamaprasad Mookerjee, Mr. Santosh Kumar Basu and other celebrities addressed public meetings in Howrah and Calcutta demanding my resignation. On or about the 13th of April, 16 commissioners out of a body of 30 sent in a motion of no-confidence against me. Though the Bengal Municipal Act does not contemplate any motion of no-confidence against the Chairman unless it is backed by two-thirds of the entire body of commissioners, I admitted the motion tabled and on the 28th of April two days after I had been sworn in as a Minister, it was carried by a small majority of 3 votes.

Before the meeting was held, I had made it clear to every one that I did not want to remain as Chairman after having assumed office as Minister, and that if the motion of no-confidence was not moved, my resignation would have followed immediately But they wanted my head on a charger because I had joined the Ministry two days ago and they moved and carried the motion.

After 30 years of devoted service to the district, I could not allow myself to be hounded out in that manner by a few interested persons and I decided, therefore, with the full concurrence of the late Sir John Herbert and of my Chief Minister, Sir Nazimuddin, to carry on until the no-confidence motion was rescinded by those who had carried it.

Dr. Sanyal mentioned some days ago that 18 counts were set out in a charge sheet which was propounded against me at that meeting, and that one of them referred to the misapplication of public funds.

The House has by this time probably come to the conclusion that Dr. Sanyal's facts are not always dependable. Dr. Sanyal, for instance, lives in Calcutta, and makes people believe that he lives in Berhampore.

The charges propounded against me were that I had failed to attend committee meetings, that I had failed to reduce the liabilities of the municipality, and to save it from its precarious financial condition, that I had given arbitrary rulings and so on and so forth, but to each one of them I gave categorical replies——

Mr. ATUL CHANDRA SEN: To whom?

The Hon'ble Mr. BARADA PROSANNA PAIN: To those people who put forth those charges against me at the meeting.

A few days after my first budget speech last year when I had occasion to criticize Mr. Santosh Kumar Basu and to express my admiration for Sir Nazimuddin, bombs were thrown at my house at Ballygunge, which fortunately did very little damage. I do not know if honourable members know that Dr. Sanyal is a very close neighbour of mine. Then there was a few months' lull. Last month however the Secondary Education Bill brought me into prominence again and Dr. Syamaprasad Mookerjee again made himself busy in my constituency, addressing

public meetings, trying to organise public opinion against me and demanding of me either to oppose the Secondary Education Bill or to submit my resignation.

He was accompanied everywhere by the gentleman who had been disappointed in the election of Chairman. Two of my Hindu supporters were made to leave me and finding me unresponsive sent in a requisition notice signed by 17 commissioners on the 19th of May last informing me that they wanted to move a motion to the effect that a suit for compensation be instituted by the Commissioners against me or such other persons as might be found liable—mark the words Sir,—"or such other persons as might be found liable", making him or them personally liable for loss or waste of money belonging to or under the control of the municipal commissioner which is a direct consequence of his or their misconduct while Chairman or holding any other office mentioned in this section, and for misapplication of the municipal funds by authorising expenditure contrary to law and by making illegal payments. The resolution also sought to authorise three of my opponents including Dr. Sanyal's friend, the defeated candidate for chairmanship or any one of them to take all suitable legal steps for the institution of such suit for compensation.

You will find from the wording of the resolution that the requisitionists did not know whom to accuse—me or some other unknown person as may be found to be liable. They did not know what to accuse him or me for. They did not know what the acts of misconduct or illegal payment or loss or waste were. They did not indicate anything. All that they did was to hunt out a section from the Bengal Municipal Act and to copy its exact language into their resolution.

The whole idea was to coerce me into submitting my resignation from the Ministry on the issue of the Secondary Education Bill. Anonymous letters come by post, threatening that I shall lose my life if I did not resign forthwith. Amiable friends in this House conveyed to me hints on the alleged authority of Dr. Syamaprasad Mookerjee that if I resigned, things would be smoothed out for me at Howrah. Leaders on the other side rang me up to assure me that their troubles were my troubles and my troubles were theirs.

Would not I, they asked, let them share my troubles? My answer to all of them was that I could take care of my own troubles, that threats would not deter me, that I meant to respect scrupulously the gentleman's agreement I had entered into with Sir Nazimuddin and that I am in company today which I did not want to miss for all the tea in China.

In the end they concentrated all their attacks through the Howrah Municipality. The staff were being encouraged to break all discipline and were openly taking sides. If I recommended any one for good work done, he was punished by the majority decision. If I recommended that any one should be punished, he was rewarded. (Dr. NALINAKSHA SANYAL: Why don't you resign?) Only recently I had dismissed a midwife for gross insubordination. She was reinstated by a majority vote when my action came up for confirmation before the Commissioners. (Dr. NALINAKSHA SANYAL: You ought to have resigned.) (Loud noise.) Sir, there have been repeated interruptions to my speech. I am prepared to face this extra noise because I know its exact value and I do not forget what Edmund Burke once said on the floor of the House of Commons that "just because a few grasshoppers make the field hum by their incessant chink while thousands of great cattle repose under the shade, chew their cud and make no noise, therefore those who make the noise are not to be considered the only inhabitants of the field or are to be considered as anything more than the shrivelled hopping insects of the hour."

Sir, the conservancy service which was in charge of District Committees presided over by Ward Commissioners was breaking down. Ugly stories were in circulation. A District Committee Chairman indented for

a fan for use in the District Committee office. It was taken instead to his house and fitted in his bedroom. Complaints were pouring in against the conservancy service. I passed them on to District Committee Chairmen. They ignored them. A deadlock had arisen until Government stepped in and took the administration into its own hand. Rate-payers of Howrah are heaving a sigh of relief today that there will now be someone who will be allowed to do his best for them, unhampered and uninterrupted by intrigues and ambitions.

Lastly, with regard to Dr. Sanyal's charges about a land transaction, it is an atrocious falsehood, and I invite the fullest enquiry into it. I did not wonder at it, because I never heard Dr. Sanyal speak anything which is the truth.

Then, Sir, it is an infamous lie to say that I approached anyone of the requisitionists. Four gentlemen came to my house and later to my office. (Dr. NALINAKSHA SANYAL: This is not correct.) I am not going to be howled down. I know Dr. Sanyal had been ringing up the Hon'ble Minister in charge of Local Self-Government Department. (Loud noise from the Opposition benches.) I am not going to listen to interruptions from Dr. Sanyal, because I know him fully well. When I entered the Ministry, I took one little vow that I shall not allow myself to be howled down by Dr. Sanyal. I had the good fortune or bad fortune to defend him when he was an accused in a criminal case a few years ago, and from what I saw of him then I have convinced myself that he is no good sort and that on my part I shall never tolerate him.

Mr. JOGESH CHANDRA GUPTA: Mr. Speaker, Sir, I think the speech just delivered by the Hon'ble Mr. Barada Prosanna Pain is in complete support of the adjournment motion moved by Dr. Nalinaksha Sanyal. Why do I say that? Has not Mr. Pain again and again said that the majority of the Commissioners refused to give him some powers, refused to endorse some of the decisions taken by him and also refused to confirm some of the appointments that he had made? He has himself said so this evening here. I want to ask him, through you, Sir, is it permissible for anybody, in the name of democracy, when he is an elected chairman and when he has forfeited the confidence of the majority of that body, to continue there in spite of repeated decisions taken against him, in spite of repeated refusals to confirm his actions? Sir, he has, as a very clever Advocate that he was, only mentioned certain things to catch the European votes, but from the rumours it appears that those votes were already secured for him through the assurance of the Secretary over whose signature the notification was issued. He has not answered the charges brought against him by Dr. Sanyal regarding the buying of some land contiguous to a proposed park and appropriating three bighas more or less out of it into his own private land. He has never answered that, and while he said that the charges against him were lies, may I for the information of the House supplement the charges which he has thought fit to omit?—His failure to credit to the Provident Fund Account of the employees a sum of nearly Rs. 1,22,588 deducted from their salaries resulting in loss to the employees; then, splitting up estimates for work in respect of a single construction to avoid sanction of the Commissioners in breach of the account rules. Sir, there is a work, the expenses totalling Rs. 10,000, in connection with the Grand Trunk Road. He split up the entire work into forty items of less than 500 rupees each so that he need not take the sanction of the Commissioners for the same. One such action ought to be sufficient. If the Local Self-Government Department claims to do its duty, it ought to have taken action and asked for an explanation as to how a work of Rs. 10,000 in respect of a single road was split up into forty different works and given to certain contractors who are his own men, without calling for tenders. Now, Sir, the Hon'ble Minister-Chairman has endeavoured to show that all this trouble was due to the Secondary Education Bill, but the trouble began long

before. In 1941 the District Magistrate of Howrah, Mr. Stuart, strongly condemned Mr. Barada Pain's administration, and from 1942 after the last general election always the Commissioners had refused to sanction some of the misdeeds even though he with the help of the Government had six nominated members added to his side.

He has referred to A. R. P. organisation. With regard to that, may I tell the House that the Howrah Municipality had submitted a full scheme involving an expenditure of Rs. 5 lakhs which was recommended by the District Officer and it is still awaiting Government sanction.

This subvention was recommended by the district authority and Government has not done anything, but yet the Howrah Municipality has carried on its responsibilities as best as it could under great strain.

Sir, we have not heard that there was any notice given as is required under the provisions of sub-rule (*3*) of rule 51-F. I want to draw your attention to the provisions of sub-rule (*3*): The appropriate Government may by order require any local authority to take within such period as may be specified in the order such measures as may be so specified being measures which are in the opinion of that Government necessary for the protection of persons and property under the control or within the jurisdiction of such authority from injury or damage or for ensuring the due maintenance of the vital services of the authority in the event of hostile attack.

Therefore, before action can be taken under sub-rule (*6*) of rule 51-F, the appropriate Government is required to take within a period certain action. I think that it is a flagrant breach of the provisions of rule 51-F. Action cannot be taken under sub-rule (*6*) until Government has issued a notice under sub-rule (*3*) (*a*), (*b*) and (*c*). They have not done so and therefore the order is wholly *ultra vires*. I may at once tell Sir Nazimuddin, who thinks that orders under the Defence of India Rules will not be challenged in court and therefore he is quite safe, that if any order is made without complying with, the provisions of Defence Rules and without fulfilling the conditions precedent, he knows it to his bitter cost that that order is not valid and that order is not binding. I am sorry that the Provincial Government, after being warned by the High Court of Calcutta and also by the Federal Court, should persist in making orders under the guise of the Defence of India Rules though they have no authority to do so for the condition precedent for making such an order is not fulfilled. Sub-rule (*6*) says: If the appropriate Government is of opinion that any local authority has failed to comply, or has delayed in complying, with any order made under sub-rule (*3*), or that it is necessary or expedient so to do for ensuring the due maintenance of the vital services of the authority in the event of hostile attack, the appropriate Government may by order supersede the local authority for such period as may be specified in the order.

Sir, I hear a whisper that they are making the order under the latter portion and, therefore, possibly they are not required to comply with the provisions of sub-rule (*3*), but it is a fallacious thing for such an argument cannot hold good as will clearly appear from the language of sub-rule (*3*) where it is said "in the opinion of the Government necessary for the protection of persons and property under the control or within the jurisdiction," etc., and "for ensuring the due maintenance of the vital services of the authority, in the event of hostile attack". So, I say that according to the provisions of sub-rules (*3*) and (*6*) Government is bound to give the authority notice.

Sir, I will assume for the sake of argument that in the event of hostile attack there cannot be any chance of giving that notice. Then it would contemplate actual attack when the civil authority is not functioning and the military authority could do it. But sub-rules (*3*) and (*6*) of rule 51-F make it quite clear that Government is mistaken.

But why is this indecent haste and hurry? The reason is not far to seek. Today on the 12th they were to discuss in the requisition meeting that was to be held. Being armed with the opinion of the Advocate-General of Bengal, they have given notice of a suit. He knew that the suit in the High Court would be absolutely embarassing, if not impossible, for him to face. Thus, we find that when they want to deprive the people of their liberty, they pass orders without fulfilling the condition precedent which has been held to be necessary by the highest judicial authorities. In this case also, when they wanted to ride roughshod over the rights and privileges of an elected body like the Municipal Commissioners of Howrah, the Government deprived their privileges and their rights by formulating an order which is not in compliance with the provisions of that rule itself and they had to do it in a hurry because they could not possibly allow their Minister to face the requisition meeting. I think in this case the order was issued under the Defence of India Rules because under the Municipal Act they could not possibly think of passing such an order. We will wait to know what is the opinion of the Commissioner of the Burdwan Division whose opinion ought to matter. I think Government will take the House into confidence and tell us what is the opinion of the local authority. We know in 1941 what the local District Magistrate thought of Mr. Pain's administration. We also know and Mr. Pain has admitted on the floor of the House—that time and again for everything that he did he had not the backing of the majority of the Commissioners. Sir, I cannot understand, I cannot conceive, how a self-respecting person holding the position of a Minister could forget himself so much that he would not abide by the decision of the majority, that he would not follow the constitutional procedure of bowing down to the decision of the majority of the Commissioners of the Howrah Municipality or resign.

Sir, when you have a bad case, you always abuse the other side. He thought that by abusing Dr. Sanyal, he would improve matters But Dr. Sanyal always brings to this House facts which many of us cannot do and I think in this particular case the statement of Mr. Pain along with the facts which tell their own tale show that this order is an abuse of the provisions of the Defence of India Rules.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I won't take much time of the House. I only want to speak on two points. The House, in my opinion, should, remember that we are discussing the order passed by Government and not discussing a motion of no-confidence in the Chairman of the Howrah Municipality. Mr. Pain, Chairman of the Howrah Municipality, is different from Mr. Pain, Minister of Government. The speeches that have been made, particularly by the mover of the motion, may be speeches in support of a no-confidence motion against the Chairman, but they have no concern with a Minister of Government.

The point which I want to place before the House is that there is a lacuna in the Municipal Act and this has been very forcefully brought home to Government in view of what has taken place in the Rangpur District Board and the Howrah Municipality. In both these cases merely a vote of no-confidence did not remove the Chairman from the office. In the case of District Boards Government have a right, under certain circumstances, of removing the Chairman, but in the case of municipalities they have no right whatsoever to remove the Chairmen of municipalities (Dr. NALINAKSHA SANYAL: Question) unless there is a majority of two-thirds in favour of a motion of no-confidence. (Mr. DHIRENDRA NATH DATTA: No; if maladministration is proved.) I am prepared to accept the contradiction of Dr. Sanyal. I have satisfied myself that Government have no right to remove the Chairmen of Municipalities unless there is a vote of no-confidence carried by a majority of two-thirds. In this case the only other alternative was dissolution of the Howrah Municipality and ordering a fresh election. You may have heard from the Chairman himself how it was obvious that an impassee had been created and the functioning of the

Municipality was made absolutely impossible. The Act did not contemplate the resignation of a Chairman. (Dr. NALINAKSHA SANYAL: Any gentleman would have resigned in that position.) It is impossible, Sir, to go on with this kind of interruptions.

Mr. SPEAKER: Order, order. Don't interrupt like this.

The Hon'ble Khwaja Sir NAZIMUDDIN: Unless there is a majority of two-thirds, Government cannot remove a Chairman if he does not want to go. There is no way out of it, and in this case the Government were in this dilemma. Forget for the time being that Mr. Pain is a Minister of Government. (Dr. NALINAKSHA SANYAL: How can we?) As Chairman of the Howrah Municipality Mr. Pain was not prepared to accept any motion unless it was carried against him by a majority of two-thirds. He was not prepared to vacate the office; at the same time the Commissioners of the Municipality having a majority made the functioning of the Howrah Municipality impossible. These things were going on for some time. But there is a limit and that limit was reached when we found that the Municipal Commissioners were trying to institute a suit against the Chairman of the Municipality. It was, therefore, obvious that under those circumstances, the administration of the Municipality could not be carried on. Supposing a resolution had been passed by the majority of the Municipal Commissioners and supposing Mr. Pain refused to give effect to that resolution, what would have been the result? Certainly, there would have been chaos. The Defence of India Rules have been used because the conditions in the administration of the Howrah Municipality reached such a pass that if there were a hostile attack, essential services would have failed. My colleague, the Minister-in-charge of the Local Self-Government, will give you the facts and figures.

Dr. NALINAKSHA SANYAL: "কে মামা"?

Mr. SPEAKER: I won't allow you to use that expression. Kindly cease talking.

Khan Bahadur MOHAMMED ALI: He must withdraw that expression.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, Government decided to take action because conditions had been bad. Supersession of this Municipality on merits was long overdue because of party factions, because of the way in which the administration was going on from bad to worse. I maintain that just as in the case of the Rangpur District Board there was an impasse because the Chairman did not have a majority, similarly here a certain situation had arisen, and as the resolution was an open manifestation of that impasse—the Municipal Commissioners were trying to institute a suit against the Chairman—Government thought it necessary to take action in order to ensure the maintenance of the public utility and essential services in case of hostile attack. If a case had been instituted, it would have taken years—two years or even three years—to be disposed of. It is well-known that law cases take a very long time. What would have been the state of affairs if the officers, the Commissioners and the Subordinate officers had been divided in two sets? There would have been an absolute chaos in the Howrah Municipality. That is the reason why action was taken. Whether this action should have been taken now or 15 days later, the fact remains that at some time or other this Municipality had to be superseded. My colleague, the Hon'ble Minister in charge, will show that local officers from time to time at various places have suggested the supersession of this municipality. There can be no doubt whatsoever that the supersession of this municipality on merits was overdue. The ratepayers of Howrah have been rather glad that this action has been taken by Government. Action has been taken by Government against a municipality which is governed by

party factions. Things had been going on from bad to worse and for sometime at least from now the administration will be carried on in the interests of the rate-payers. (Dr. NALINAKSHA SANYAL: Let them take their chance in election.)

As far as the election is concerned, at the present time in Howrah with this tension prevailing owing to the Secondary Education Bill, with this acute party faction in Howrah which is an industrial area, where many labourers are employed and where the election can easily take a communal turn—because of the implication of the present situation—we considered it absolutely inadvisable to have a general election at the present time Otherwise a general election in Howrah could have been a possible solution of this difficulty and that would have been, I admit, a right order to give, but in view of the present situation, in view of the condition that has been created by the propaganda that has been carried on, we felt that we could not take that risk of having a general election in a very highly industrial area like Howrah. These are the reasons why we have taken this action.

Dr. SYAMAPRASAD MOOKERJEE: Mr. Speaker, Sir, the order passed by Government is under rule 51-F of the Defence of India Rules. 51-E deals with camouflage and the explanation given by the Chief Minister just now shows that the order under rule 51-F is the real camouflage. Now, Sir, the support that has come from Mr. Brada Prosanna Pain and the Chief Minister himself to the adjournment motion goes to show that there was no case at all for an order under rule 51-F of the Defence of India Rules

There is one point in the self-explanatory statement given by Mr. Barada Prosanna Pain to which a reference should be made Mr. Pain said that the reason why a no-confidence motion was tabled was that Mr. Pain had joined the Nazimuddin Ministry. (Mr. BARADA PROSANNA PAIN: No, no.) He can re-read the statement. Sir, if you refer to the dates you will find that the notice for the no-confidence motion was actually tabled on the 13th April, 1943, and Mr. Pain along with his other friends signified their decision to support the Muslim League Ministry on the 19th April, 1944. It, therefore, stands uncontradicted that six days before Mr. Pain decided to join the rank of seceders, the Commissioners of the Howrah Municipality had made up their minds to table the motion of no-confidence because they thought that there was sufficient reason for doing so. Now, Sir, as the Hon'ble Chief Minister has said, we are not discussing here a no-confidence motion against Mr. Barada Prasonna Pain, the Chairman of the Howrah Municipality. He said further that the two persons were different. I know Mr. Pain now appears in the role of Dr Jekyll and Mr. Hyde. It is Mr. Hyde-Pain, the Minister, who succeeded in influencing his colleagues and getting this notorious order under the Defence of India Rules issued which was not applicable in the circumstances of the case. Let me leave aside the detailed facts. There were charges brought against Mr. Pain by his colleagues in the Howrah Municipality of clear maladministration, that he had mishandled public funds, that he made appointments against the decision of the majority of the commissioners, that he had purchased lands for his own benefit and that he had exploited in various ways the resources of the Howrah Municipality. These were the definite allegations made against him and the majority of his colleagues thought that the charges were true. That was the viewpoint of the majority of the commissioners but in accordance with a certain technical rule Mr. B. P. Pain did not choose to tender his resignation. I would ask Sir Nazimuddin, was it an honourable conduct on the part of the chairman of a municipality: [illegible] function only with the support of the majority of the membe the [illegible] municipality? The matter went on in this way for nearly one year. The commissioners of the municipality then took the opinion of the Advocate-General, Bengal. He is not one of the partisans of the opponents of Mr. Pain in the Howrah Municipality. The Advocate-General gave his opinion that under the Bengal Municipal Act a motion for bringing a suit against the Chairman was in order, and that notice was duly given. Now a notice was served on the

Chairman himself, and he was called upon to call a meeting of the Howrah Municipality to consider this motion. But the Chairman refused to call that meeting although it was incumbent upon him to do so under the Bengal Municipal Act. I ask Sir Nazimuddin: was that a conduct which could be regarded as honourable in the least manner on the part of a chairman of a municipality who was functioning as such although the majority of his colleagues did want that he should vacate his office? Mr. Barada Prasonna Pain has referred to the fact that he had been functioning as Chairman of the Howrah Municipality with the full support of the late Sir John Herbert. Well, that gives another reason why we say that the services rendered by Sir John Herbert were such as Bengal could never forget. But what did Sir John Herbert's successor, Sir Thomas Rutherford, say? Did Sir Thomas Rutherford say that Mr. Barada Prosanna Pain had his entire support in continuing as Chairman although the majority of the members of the Howrah Municipality wanted that he should resign? Let us leave aside the Governors for the time being. The fact remains that the majority of the commissioners did not want that this gentleman should continue as Chairman. They wanted that the matter should be brought before a court of law. The court of law is not certainly a part and parcel of the machinery of propaganda which is being carried on against Mr. Pain as Minister-Chairman. Sir, that meeting was not called by Mr. Pain. Thereupon the Commissioners decided and here again under the powers given to them according to the provisions of the Bengal Municipal Act, that a special meeting should be called on the 12th June, 1944—that is today. Today the meeting was to have been called, but the Chairman declined to move in the matter and then this order of suppression has come. What is this order of suppression which came on the 9th June, 1944? The order of suppression cannot come because Mr. Pain chose to misbehave! The order can come only if rule 51-F did apply. The rule says that if Government thinks that steps should be taken for ensuring due maintenance of the vital services by the local authority, then Government may do certain things. And what is the first thing that the Government can do? The first thing that Government can do under the rules is to serve a notice on such local authority. You cannot lightly treat the municipality which consists of elected commissioners. You have to serve notice on the commissioners that these are the directions which they have to follow, that these are the particular matters in respect of which the commissioners have failed to act in accordance with the interest of the ratepayers, etc. No such notice was served. Then again, there is another power which Government might have exercised and that is that Government might have appointed a special officer to deal with that aspect of the municipal administration in which the commissioners had failed to discharge their duties. No order was passed even under that rule. The extraordinary power is given to Government to supersede a municipality, if the Government feels that this is essential for the purpose of doing certain things, when enemy invasion is imminent—when there is actual invasion. That power is exercised by Government and the municipality is superseded. In this case the invasion was not from the Japanese. The invasion was on Mr. Barada Prosanna Pain, the notorious and worthless Chairman of the Howrah Municipality, the majority of whose members did not wish that he should continue as Chairman. The invasion came on that unwanted Chairman. The invasion came from his elected colleagues wh[illegible]nt that he should resign, the invasion came from his constituency[illegible]e to was[illegible]not want that he should represent himself as one who could spea[illegible] giving facts[illegible] of view of the public of Howrah. There is no provision in the [illegible] 1942. B[illegible]ndia Rules which gives the Government authority to protect a [illegible] shed person from an invasion of that character. As regards inv[illegible] Japan, under what circumstances again could Govern-[illegible] invasion from Japan [illegible] so far as [illegible] If party squabbles constituted a sufficient justifi-[illegible] like this, then first and foremost this Ministry has got

to be superseded and kicked out of office. If party squabbles present a justification for doing away with an institution, then you can do away with this Bengal Legislative Assembly also. If you consider that an invasion is imminent then I do not see any reason why the proceedings of this House should go on like this. Sir, of the many disgraceful things which have happened during the last one year since the Nazimuddin Ministry came into office this is certainly the biggest scandal. I do not know what the other members of the Government party feel. I know at least one member who represents Howrah, who will not be able to contradict me when I say that a responsible representative of the Bengal Ministry told him that it was impossible to get Mr. Pain to agree to resign because Mr. Pain has said that he would rather resign his Ministership than the Chairmanship of the Howrah Municipality. That member is still here. Dare he stand up and say that I am wrong? Will he get up and say that only during the last 3 days two offers came from the Ministers to the Commissioners of the Howrah Municipality suggesting that there may be some compromise between Mr. Barada Prosanna Pain and the Commissioners of the Howrah Municipality?

The suggestion was made that if certain members opposing Mr. Barada Prosanna Pain, would put down their signature on a blank piece of paper and hand it over to Mr. Suhrawardy agreeing to withdraw the no-confidence motion, then Mr. Pain would also resign and both would be placed before a special meeting of the Howrah Municipality and passed without protest. That document is still with Mr. Suhrawardy. I ask, if this is the sort of invasion which justified the Government to take this extreme step of superseding the municipality.

Then, Sir, another offer was made by Mr. Barada Prasanna Pain himself. Only twenty-four hours before the Howrah Municipality was superseded, an offer was made to his colleagues that if they behaved properly and if they supported him, if they came to terms with him, then the order of supersession would not be passed by the Bengal Government. I ask, is that the circumstance under which the Government can supersede a municipality on the alleged ground that enemy invasion is imminent? This is dishonest and this is one of the most scandalous things that have ever happened in any civilised Government. I want to know from Sir Nazimuddin, what was the reason why this protection was sought to be given to Mr. Barada Prosanna Pain? Did Mr. Barada Prosanna Pain threaten that if he was not given this undue protection, so far as the Howrah Municipality was concerned, he would resign his Ministership and let Sir Nazimuddin face the consequences of such resignation? What is the reason why Sir Nazimuddin had to swallow the biggest scandal? Why do you supersede a municipality without giving it a chance to explain its conduct? Why do you supersede a municipality without serving a notice on it, without even asking it to do what should be done?—only because a worthless colleague in Sir Nazimuddin's Ministry, disowned by his own constituency, disowned by his own community and disowned by the province, and who is not tolerated by any one, has got to be kept in office, that the order of supersession has been passed under the Defence of India Rules. And he is here to justify this disgraceful conduct on the part of the Bengal Ministry!

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Mr. Speaker, Sir, the supersession of Howrah Municipality has evoked loud protests, but it is not unprecedented. Speeches have been made without any knowledge of how the Defence of India Rules have been applied in other Municipalities. The House should remember that the Hooghly-Chinsura Municipality was superseded in 1942 under 51(F), sub-rule (vi).

Sir, I should inform the House that Dr. Nalinaksha Sanyal 'phoned my Secretary to know about it, and it is not proper for any member to speak with the Secretary to get such an information.

Dr. NALINAKSHA SANYAL: On a point of perso[illegible]tion, Sir. I submit that every member has a right to speak with [illegible] (Loud noise.) The officer is a public servant.....(Loud [illegible]

Mr. SPEAKER: Order, order.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Sir, supersession under the Defence of India Rules is not unprecedented. The Chittagong Municipality was superseded; Comilla Municipality was superseded; Hooghly-Chinsura Municipality was superseded; Serampore Municipality was also superseded under the Defence of India Rules,—one in 1941; another in early 1942; on the 31st August 1942 the Hooghly-Chinsurah Municipality—so near Howrah—was superseded; the Serampore Municipality was superseded on the 8th September 1942. So this is not a case where my friend Mr. Sasanka Sekhar Sanyal could say that Howrah Municipality has been singled out on account of an accident that the Chairman of the Howrah Municipality happens to be in the Ministry.

Dr. NALINAKSHA SANYAL: The Magistrate superseded that..... (Loud noise.)

Mr. SPEAKER: Order, order. I hope that the Honourable Minister will not be interrupted.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: If the Opposition does not give me a hearing, then their case does not bear scrutiny or reply. (Loud noise.)

The House will remember that this question of supersession was pending from the year 1940. Mr. Stuart, the then District Magistrate of Howrah, inspected the woeful condition of the Howrah Municipality and he had given severe stricture, and in that time the then Government. ....

Dr. NALINAKSHA SANYAL: Against the Chairman.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Against the municipal commissioners.

Dr. NALINAKSHA SANYAL: Will you read out the report?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Will you allow me to speak?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is not possible for any Minister to reply if this sort of interruption goes on. (Loud noise.)

Dr. NALINAKSHA SANYAL: We hope facts will not be discounted.

Mr. S. A. SALIM: They have got a bad case; therefore they are interrupting like this.

Mr. SPEAKER: Order, order. I hope you will allow the Hon'ble Minister to speak.

Mr. SANTOSH KUMAR BASU: I hope he will speak the truth only.

Mr. FAZLUR RAHMAN: We are not going to submit to this sort of interruption.

Mr. SPEAKER: Order, order.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: I do not like to waste my time if the House goes on like this.

I am giving facts. The question of supersession was pending from that time up to 1942. By that time the last Ministry came to office and the matter was not pursued by the last Ministry who were asked by the District Magistrate to appoint a Special Officer to go into the question. The District Magistrate, Howrah, Mr. Stuart, found that the administration had been relaxed, sanitation grossly neglected and arrears had amounted to twelve lakhs of rupees.

Sj. NARENDRA NATH DAS GUPTA: Sir,——

Mr. SPEAKER: Order, order.

Dr. NALINAKSHA SANYAL: This is ancient history.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Mr. Stuart was transferred. Mr. Hartley who went there commented on the explanation from the Commissioners of the Howrah Municipality. The Chairman, Mr. Pain, wrote more than forty pages in reply to that and still it was found that that explanation did not meet the point raised by Mr. Stuart. The collection was in a hopeless state, and you will be surprised to hear that more than a year's demand is in arrear at present.

Dr. NALINAKSHA SANYAL: Has not collection improved?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: In spite of improvement the position is this. At the beginning of 1943-44 there was an arrear of Rs. 21,57,000. The annual demand was Rs. 21 lakhs. The collection was only Rs. 14½ lakhs. (Interruptions.) The collection has been only 35 per cent. so far.

In no municipality all over Bengal there is less percentage of collection than 50 or 60. In most municipalities the collection is 90 per cent. or 100 per cent. It is only in Howrah Municipality that the percentage is so low.

My submission to this House is, had it not been the case of Howrah the municipality would have been superseded in the year 1940 or 1941 Although Government passed an order for enquiry with regard to supersession under the Bengal Municipal Act the Commissioner could not personally go into the question fully for want of time. The Commissioner approved of the appointment of a Special Officer suggested by the District Magistrate but that Special Officer was not appointed.

When the last Ministry came into office in December, 1941, the matter was not pushed through and the matter was shelved. This Ministry would not have known it but for the fact that an application was made for subvention of Rs. 6 lakhs on account of general administration. This application of subvention necessitated an enquiry into the question of the internal administration. The District Magistrate went into the question and one Additional District Magistrate was deputed and he found a startling state of affairs in the collection department. (Dr. NALINAKSHA SANYAL: When was it?) In February 1944. (Dr. NALINAKSHA SANYAL: What is the report?) Some speakers have said that the Chairman Mr. Barada Prosanna Pain was responsible but the District Magistrate says it is the municipal commissioners who are in charge of the assessment department who are responsible. What did they do? Out of 4,103 cases there are now 3,000 and odd cases pending, that is more than 80 per cent. The assessment department assess tax only to give credit to the commissioners. (Dr. NALINAKSHA SANYAL: Which year?) That was before the year 1940-41. (Dr. NALINAKSHA SANYAL: That is why the power of the Chairman was withdrawn.) Mr. Barada Prosanna Pain was the Chairman but there were other municipal commissioners. It is also revealed that there is a Congress Secretary. Mr. Stuart said that some of the municipal commissioners who had been in charge of the assessment department allowed 85 per cent. and in some cases 90 per cent. (Dr. NALINAKSHA SANYAL: That was the reason why Mr. Pain's power was withdrawn.) It is no fault of Mr. Pain's.

Mr. Stuart may be hard but Mr. Hartley after getting the explanation of the commissioners of the Howrah Municipality said, "I have never seen a more dirty town than the town of Howrah" in spite of improvement and in spite of the removal of the trenching ground. Not only that. The vital statistics show that there are more deaths and there are phthysis cases which are not even taken notice of by the municipality. The conservancy

department and the waterworks department have not improved. They are waiting for the Howrah Improvement Trust.

(The House was at this stage adjourned for 15 minutes for prayer.)

(After adjournment.)

Dr. NALINAKSHA SANYAL: Sir, the question be now put.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Mr. Speaker, Sir, I have got only one word to say in addition to what I have already said. There is no cash reserve or reserve balance for the municipality and even the minimum statutory closing balance has not been kept. (Dr. NALINAKSHA SANYAL: When was it discovered?) In the year 1944. This Ministry would not have known about these things but for the application for the subvention of Rs. 6 lakhs. Now, if Government have got to give subvention, they have got to consider whether it would be advantageously used or not. The municipality has become almost bankrupt and its expenditure is rising up to Rs. 29 lakhs whereas the collection is only Rs. 14 lakhs in the first 9 months of the year. Thus this 6 lakhs cannot be utilised for improving the Collection and Conservancy Departments. For this reason, Government had no other alternative even under ordinary circumstances but to supersede this municipality for its incompetence which has been proved to the hilt.

Now, the question is about time factor. Why was it superseded under the Defence of India Rules and not under the Bengal Municipal Act? This is a pertinent question. If it was to be superseded for ordinary reasons, it should have been superseded in 1942. But now the purport of Magistrate's report is that unless you give subvention immediately, the municipality will collapse and it cannot run. (Dr. NALINAKSHA SANYAL: When was the report received?) The report was received long after—in the year 1944.

Now, this Government was faced with two alternatives—either to give immediate subvention when there is party faction, when there is a resolution tabled under section 104, Bengal Municipal Act, it is beyond the power of honorary commissioners to pull up the arrears and to improve the condition of the Collection Department which has gone to the depth of mismanagement. In such a condition, any other municipality in Bengal would have been superseded long before

Now, it has been asked why the Defence of India Rules have been applied. The question is of urgency. Can you imagine that if the Collection Department is bankrupt, there can be any other department which can run on, that they can stand in emergency, that they can pay bonus to the sweepers and others. They cannot do these things as they have no reserves and no balance.

(At this stage the Hon'ble Minister having reached the time-limit resumed his seat.)

Dr. NALINAKSHA SANYAL: On a question of privilege, Sir. A reference has been made to me that I obtained certain information from the Secretary of the Department——.

Mr. SPEAKER: Order, order.

Dr. NALINAKSHA SANYAL: On a question of privilege, Sir. I was informed by the Whip of the Government party and I would like to know from you——.

Mr. SPEAKER: That question does not arise. Will you kindly resume your seat?

The motion of Dr. Nalinaksha Sanyal that this Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, namely, the supersession of the commissioners of the Howrah

Municipality by the Government of Bengal through an order issued on the 9th June, 1944 in exercise of the power conferred by the Defence of India Rules, was then put and a division taken with following result:—

(While the division bell was ringing.)

Dr. NALINAKSHA SANYAL: On a question of privilege, Sir. Will you now give me an opportunity——.

Mr. SPEAKER: Order, order. Not now.

Dr. NALINAKSHA SANYAL: I hope you will not forget.

AYES—73.

Abdul Hafiz, Mr. Mia.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Majid, Maulvi (Mymensingh).
Abdul Wahed, Maulvi.
Abdur Razzak, Maulvi.
Abu Hossain Sarkar, Maulvi.
Ahmed Khan, Mr. Syed
Asimuddin Ahmed, Mr.
Badi Ahmed Choudhury, Khan Bahadur Haji.
Badruddoja, Mr. Syed.
Banerjee, Mr. Pramatha Nath
Banerji, Mr. P.
Barat Ali, Mr. Md.
Barman, Mr. Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Chakrabarty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das, Mr. Manmatha Nath.
Das Gupta, Dr. J. M.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Edbar, Mr. Upendranath.
Fazlul Huq, Mr. A. K.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Hashem Ali Khan, Khan Bahadur Maulvi.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Lahiri, Babu Ashutosh.
Maji, Mr. Adwaita Kumar.
Mandal, Mr. Birat Chandra.
Mookerjee, Dr. Syamaprasad.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Solaiman, Khan Bahadur Maulvi.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Poddar, Mr. Anandilal.
Rahman, Khan Bahadur A. M. L.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Manmatha Nath.
Roy, Mr. Patiram.
Sanaullah, Dr.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen, Mr. Dhirendra Nath.
Sen, Jogesh Chandra, Rai Bahadur.
Sen-Gupta, Mrs. Nellie.
Shamsuddin Ahmed, Mr.
Shamsuddin Ahmed Khondkar, Mr.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Tofel Ahmed Choudhury, Maulvi Haji.
Waliur Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—103.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi (Mymensingh).
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed (Noakhali).
Abdul Motaleb Malik, Dr.
Abdul Wahab Khan, Khan Bahadur.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S. (Howrah).
Abdur Rauf, Khan Bahadur Shah (Rangpur).
Abdus Shaheed, Maulvi Md.
Abul Fazl, Mr. Md.
Abul Hosain Ahmed, Mr.
Abul Masud, Kazi.
Abul Quasem, Maulvi.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Barma, the Hon'ble Mr. Premhari.
Biswas, Mr. Rasik Lal.
Chakrabarty, Babu Narendra Narayan.
Chippendale, Mr. J. W.
Corstorphine, Mr. E. E.
Das, Rai Sahib Anukul Chandra.
Das, Rai Bahadur Kirit Bhusan.
Das, Rai Sahib Monmohan.
Dass, Babu Debendra Nath.

Emdadul Haque, Kazi.
Farhad Raza Chowdhury, Mr. M.
Farhut Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Khan Bahadur (Mymensingh).
Golam Rabbani Ahammad, Maulvi.
Goswami, the Hon'ble Mr. Tulsi Chandra.
Gupta, Mr. J. N.
Gyasuddin Ahmed Choudhury, Alhadj.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasina Murshed, Mrs., M.B.E.
Haywood, Mr. Rogers.
Hirtzel, Mr. M. A. F., O.B.E.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, the Hon'ble Khan Bahadur Maulvi.
Jasimuddin Ahmed, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
McPherson, Mr. G. P.
Mafizuddin Ahmed, Khan Sahib Maulvi (Tippera).
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banku Behari.
Mandal, Rai Sahib Jagat Chandra.
Mandal, the Hon'ble Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maniruddin Akhand, Maulvi.
Mohammed Ali, Khan Bahadur.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Abdul Halim Molla, Mr.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mukerjea, the Hon'ble Mr. Taraknath, M.B.E.
Mullick, Mr. Mukunda Behary.
Mullick, the Hon'ble Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsai Haque, Mr. Syed.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Nooruddin, Mr. K.
Pain, the Hon'ble Mr. Barada Prosanna.
Powell, Mr. J. A.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, the Hon'ble Mr. Khwaja, C.B.E.
Shahedali, Mr.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Smart, Mr. J. N.
Smyth-Osbourne, Mr. D. G.
Stark, Mr. A. F.
Stevenson, Mr. R. A. H.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Thorman, Mr. C. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C., C.I.E.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 73 and the Noes 103 the motion was lost.

Adjournment.

The House was then adjourned at 8 p.m. till 4 p.m. on Tuesday, the 13th June, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the Provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 13th June, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble MR. SYED NAUSHER ALI) in the Chair, 9 Hon'ble Ministers and 162 members.

STARRED QUESTION

(to which oral answers were given)

Districts affected with cholera and malaria.

***400. Mr. HEM CHANDRA NASKAR:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) the number of districts of the Province affected with cholera and malaria in the year 1943;

(*ii*) the number of deaths that occurred on account of epidemic diseases in the said year;

(*iii*) when quinine and other medicines were supplied to the mufassil areas;

(*iv*) the quantity supplied in each district; and

(*v*) whether quinine was supplied in time?

(*b*) If the answer to (*a*) (*v*) is in the negative, will the Hon'ble Minister be pleased to state the reasons thereof?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) (*i*) All districts of the Province.

(*ii*) A statement showing total deaths and deaths from cholera, malaria and small-pox in the districts of Bengal in 1943 with the corresponding average for 1938-42, is laid on the Library Table.

(*iii*) and (*iv*) Except in the case of Dacca Mitford Hospital Government did not supply any medicines, other than quinine, to hospitals or dispensaries. Quinine and anti-epidemic vaccines were supplied periodically throughout the year. Details are given in the statements laid on the Library Table.

(*v*) and (*b*) Supplies were late in some districts; the main reason was failure to keep a close enough watch upon the actual stock position from time to time and to arrange for timely replenishment: this was due to the novelty of the rationing scheme and no such difficulty is likely to recur.

Maulvi AHMED ALI MRIDHA: In view of the fact that the statement shows that there is a great rise in death from cholera, will the Hon'ble Minister be pleased to state if it is due more or less to the absence of good drinking water in the mufussil areas of Bengal at present?

Khan Sahib HAMIDUDDIN AHMAD: Yes.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister be pleased to state what steps have been taken by Government to remove the appalling suffering of the people for absence of good drinking water in rural areas?

Khan Sahib HAMIDUDDIN AHMAD: Government has made arrangements for sinking of as many tube-wells as possible.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister be pleased to state if it is a fact that Government has made arrangements for repairs or tube-wells only and not for sinking of new tube-wells?

Khan Sahib HAMIDUDDIN AHMAD: Both for new tube-wells as well as for repairs.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister be pleased to state what amount has been provided for sinking of new tube-wells in the rural areas this year?

Khan Sahib HAMIDUDDIN AHMAD: I ask for notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us to what was the failure to arrange for timely replenishment due?

Khan Sahib HAMIDUDDIN AHMAD: Quinine rationing was in the hands of the Central Government and the Government of Bengal had to make requisition to them for the supply of quinine to the province. That took some time to get a sufficient quantity of quinine from the Central Government.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister be pleased to state when was quinine available to the Provincial Government and when it was distributed in the mofussil areas?

Khan Sahib HAMIDUDDIN AHMAD: Quinine was available from the very beginning of the year but sufficient amount was not in the hands of the Government of Bengal. Sufficient quantity was, however, made available during the latter part of the year.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister be pleased to state by what time the quinine reached the district of Faridpur?

Khan Sahib HAMIDUDDIN AHMAD: The honourable member's attention is drawn to the statement laid on the Library Table.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister be pleased to state when the quinine was allotted for the district of Faridpur and what amount was actually distributed amongst the people?

Khan Sahib HAMIDUDDIN AHMAD: I want notice.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister be pleased to state what was the system introduced in the district of Faridpur to distribute quinine amongst the people there?

Khan Sahib HAMIDUDDIN AHMAD: The general policy of the Government is to distribute quinine for sale through agencies specially employed and through charitable dispensaries and non-official agencies for free distribution.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister be pleased to state what arrangements are made for distribution of quinine to the village dispensaries and how it is being allotted and distributed?

Khan Sahib HAMIDUDDIN AHMAD: In the year 1943 the District Magistrate was the rationing authority and he in consultation with the Civil Surgeon and the District Health Officer used to make arrangements for distribution to union boards.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister be pleased to state if it is a fact that in the district of Faridpur quinine was made into a mixture and thereafter it was distributed so that it took about 6 months to reach the rural dispensaries?

Khan Sahib HAMIDUDDIN AHMAD: For details I want notice.

Proposal for establishment of Arabic University in Bengal.

***401. Dr. SANAULLAH:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the Madrasah Education Committee recommended the establishment for a full-fledged Arabic University in Bengal similar to one established in Sind for taking full charge of all Muslim religious education of the Province?

(*b*) Will the Hon'ble Minister be pleased to state whether Government propose to give effect to the proposal of the Madrasah Education Committee in the near future?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state whether he is considering the desirability of excluding the old scheme Madrasahs from the scope of the Secondary Education Bill, 1944?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) The Madrasah Education Committee recommended the establishment of a University of Islamic Learning at Calcutta, having jurisdiction and control over all Madrasahs—both old and new—including Islamic Intermediate Colleges.

(*b*) The whole question of Madrasah Education will be reviewed in connection with the Post-War Education Reconstruction.

(*c*) Action will be taken in accordance with the views of the Muslim members of the Legislature.

Scarcity of domestic coke in Calcutta.

***401A.** (SHORT NOTICE.) **Dr. SANAULLAH:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether it is a fact that recently there has again been an acute scarcity of domestic coke in Calcutta?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons therefor?

(*c*) Is it not a fact that the Hon'ble Minister assured the public a few months ago that there would be no further coal shortage in Calcutta?

(*d*) Is the Hon'ble Minister aware that the coal depot at Serpentine Lane, in Muchipara area, has not been selling coal to its authorised customers for the last few weeks on the plea of non-supply of coal?

(*e*) Will the Hon'ble Minister be pleased to state—

(*i*) what is the normal weekly requirement of the said coal depot; and

(*ii*) what quantity was supplied to it for the last three weeks?

(*f*) Is it a fact that the coal is rationed at the rate of 5 seers to each head of the family for every five days (Saturday-Wednesday) irrespective of the number of members forming the family?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the reason thereof; and

(*ii*) the basis on which such allotment of coal has been fixed?

Nawabzada K. NASARULLAH (on behalf of the Hon'ble Mr. H. S. Suhrawardy): (*a*) and (*b*) During February and March there was considerable scarcity of domestic coke in Calcutta due to poor arrivals. From the second week of April, however, there has been an appreciable easing of the situation due to better arrivals.

(*c*) As I have no control over the raising and despatch of coal, I cannot give such an assurance.

(*d*) and (*e*) There are five coal dealers in Serpentine Lane, and no reply to this question is possible unless the address of the coal depot is given.

(*f*) No: there is no such order, but the local people at some places during times of acute scarcity introduced such control over distribution.

(*g*) Does not arise.

GOVERNMENT BILLS.

The Bengal Embankment (Amendment) Bill, 1944, as passed by the Bengal Legislative Council.

The Hon'ble Mr. BARADA PROSANNA PAIN: May I have a few minutes' adjournment, Sir, because I am considering the amendments moved and getting expert legal opinion thereon.

Dr. NALINAKSHA SANYAL: Sir, I oppose the proposal for postponement and that on the ground that we have no confidence in this Minister who has absolutely lost all sense of propriety of debate in this House. Therefore I oppose this proposal and request you to put the motion for adjournment to vote.

The Hon'ble Mr. BARADA PROSANNA PAIN: I never sought nor cared for the confidence of Dr. Sanyal——(Loud cries of "You have lost the confidence of all" from the Opposition benches.)

Mr. SPEAKER: Order, order. The position is this. I called upon the Hon'ble Mr. Barada Prosanna Pain to move this motion but he has not moved it. He asked for a short adjournment.

Mr. FAZLUR RAHMAN: He has not moved for an adjournment.

Dr. NALINAKSHA SANYAL: He has moved for an adjournment.

Mr. SPEAKER: He has asked for an adjournment and that is being opposed.

The position is this. If the motion is not moved and I do not adjourn, I think the notice regarding the Bill falls through.

Mr. JOGESH CHANDRA GUPTA: Sir, the House must decide whether adjournment is agreed upon.

Mr. SPEAKER: There is no question of decision of the House for adjournment. No motion for adjournment has been moved. He has asked me, the Speaker, to adjourn the House for a short time, and there has been an opposition that the adjournment should not be granted.

Dr. NALINAKSHA SANYAL He has begged leave to postpone the discussion of this item and not short adjournment of the House.

Mr. SPEAKER: He says that the House may be adjourned for a short time.

Dr. NALINAKSHA SANYAL: He wanted leave for postponement of discussion of this item——

Mr. JOGESH CHANDRA GUPTA: Because he is considering the amendments. I think if you will look through the official record, you will find it.

Mr. SPEAKER: Mr. Pain, I want to know what you actually did want.

The Hon'ble Mr. BARADA PROSANNA PAIN: I do not want to move the motion: I want time to have expert opinion about it.

Mr. SPEAKER: He says that he will not move this motion but he wants time to consider expert opinion.

Dr. NALINAKSHA SANYAL: Sir, this seems to be an after-thought. Only three minutes ago the Chief Whip of the Government approached me in the House and asked us not to object to this motion being passed; he said, this Embankment Bill is very important, and Government is anxious to go through it immediately.

Mr. SPEAKER: That is quite a different matter. But if the Hon'ble Minister does not want to move, I cannot make him move a particular motion. That is clear.

Dr. NALINAKSHA SANYAL: Sir, he has moved for leave to withdraw the motion.

Mr. SPEAKER: That is a different matter.

Dr. NALINAKSHA SANYAL: Sir, I have got a substantive motion with reference to the notice given in the agenda. I move that the Bill be taken into consideration.

Mr. SPEAKER: I do not think you can move that.

The Coroners and Criminal Procedure (Bengal Amendment) Bill, 1944, as passed by the Bengal Legislative Council.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, we do not propose to move the motion. We are not prepared for it.

Dr. NALINAKSHA SANYAL: Sir, here also we oppose the motion for leave to withdraw the notice given for discussion of this motion. That is an important measure hanging fire for a long time. If the Government does not propose to move it, we beg to move that the Bill be taken into consideration.

Mr. SPEAKER: I cannot allow that. Let us pass on to the next item.

Dr. NALINAKSHA SANYAL: Sir, what is your ruling then?

Mr. SPEAKER: The motion can be moved only by Sir Nazimuddin or by somebody on behalf of the Government. Nobody else can move it.

THE MURSHIDABAD BILL, 1944.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I am not ready with the Bill.

(Cries of "shame" "shame", "resign" from the Opposition benches.)

Adjournment.

The House was then adjourned at 4-15 p.m. till 4 p.m. on Wednesday, the 14th June, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the Provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 14th June, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 13 Hon'ble Ministers and 189 members.

Non-circulation of list of business.

Mr. A. K. FAZLUL HUQ: Sir, before you take up any business——

Mr. SPEAKER: I think the proper time will be after questions.

Mr. A. K. FAZLUL HUQ: You will please hear me and then you decide. I submit, Sir, that we have received no notice of any business to be transacted in this House today, and therefore, this House cannot go on to transact any business. Under rule 21 that is clear. You yesterday announced that we should next meet here at 4 o'clock and we have met, but beyond that if you want to transact any business, that cannot be done because no notice has been given and giving of notice is mandatory. That is what I want to say.

Mr. SPEAKER: I think I said yesterday that we meet at 4. So, let us finish the questions first and then I will decide that point.

STARRED QUESTIONS

(to which oral answers were given)

Damage to crops in Goalundo by wild boars.

***402. Maulvi AHMED ALI MRIDHA:** (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state whether it is a fact—

(*i*) that innumerable villages in the subdivisions of Goalundo, Faridpur, abound in jungles;

(*ii*) that there are numerous wild boars there;

(*iii*) that wild boars damage paddy, sugarcane, *kachu*, ginger, raddish, melon, water-melon and all *rabi* crops;

(*iv*) that damages are wide and extensive;

(*v*) that the cultivators avoid sowing the crops generally in those villages and in the neighbouring areas;

(*vi*) that most of the cultivators do not possess guns; and

(*vii*) that bullets and ammunitions cannot be procured by gun holders?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what the Government propose to do in the matter?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain): (*a*) (*i*) to (*v*) Yes, but there is no definite information that damage to crops by wild boars in the area is very extensive, though cultivation is restricted to some extent because of the fear of depredations by these beasts.

(*vi*) and (*vii*) These questions concern the Home (Police) Department to whom they have been referred for necessary action.

(*b*) It has been suggested that net traps should be supplied to villagers This suggestion will be considered.

Mr. ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether he considers the desirability of ascertaining the extent of damages done by these beasts?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: To an appreciable extent damage is done in these villages. That is sure, but is it necessary to ascertain the exact damage done which I think differs from year to year? If it is the desire of particular members, we will try to do it.

Mr. ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether he considers the desirability of taking early and necessary steps to see that this damage is not done by these beasts?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: As far as it lies in my power I will.

Representation of Scheduled Castes in Union Boards in Brahmanbaria subdivision.

*403. **Mr. JACAT CHANDRA MANDAL:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) the total number of union boards in the Brahmanbaria subdivision of the district of Tippera;

(*ii*) the names of those boards one by one;

(*iii*) the names of the nominated members in each board separately;

(*iv*) those who are Muslims, Caste Hindus and Scheduled Castes;

(*v*) whether the Scheduled Castes were represented in those boards; and

(*vi*) if not, why not?

(*b*) Will the Hon'ble Minister be pleased to state what steps, if any, he proposes to take for the proper representation of the Scheduled Castes in those boards?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) (*i*) Seventy-three

(*ii*) to (*v*) A statement containing the information is laid on the Table.

(*vi*) In some boards, members from the Scheduled Castes having been returned by election according to their population ratio, no nomination was made from those castes.

(*b*) In respect of union boards where reconstitution is not completed, Government will see that Scheduled Caste interests do not go by default at the time of consideration of the question of nominations to those boards by the District Magistrate.

Statement referred to in reply to clauses (a) (ii) to (v) of starred question No. 403.

Serial No.	Names of unions.	Names of nominated members.	Caste.	Whether Scheduled Caste represented.
1	2	3	4	5
1	Suhilpur ..	M. Abdus Samad ..	Muslim ..	Yes.
		Babu Krishna Gobinda Das	Scheduled Caste.	
		Maulvi Wazed Ali Khan ..	Muslim.	

Serial No.	Names of unions.	Names of nominated members.	Caste.	Whether Scheduled Caste represented.
1	2	3	4	5
2	Talsahar	M. Ulfat Ali M. Dilwar Ali Master Babu Gobinda Ch. Podder	Muslim Do. Hindu.	No.
3	Natai	M. Abdur Rahim M. Rusmat Ali Kari M. Bazlar Rahman	Muslim Do. Do.	No.
4	Ramrail	M. Mujahed Ali Ahmed M. Abdus Salam Khan Babu Chandi Ch. Sarkar	Muslim Do. Scheduled Caste.	Yes.
5	Basudev	Babu Benode Behari Bhattacharjee. Babu Tarakeswar Das M. Serajul Huq Bhuiya	Hindu. Scheduled Caste. Muslim.	Yes.
6	Machihata	Babu Mahendra Ch. Roy Syed Zuhar Ahmed M. Abdul Hakim Chaudhury	Hindu Muslim Do.	No.
7	Pattan	M. Mia Chand Bhuiya Babu Krishna Ch. Mallik Babu Jitendra Ch. Chakraborty.	Muslim Scheduled Caste. Hindu.	Yes.
8	Ichapura	Babu Ramananda Das M. Md. Hussain Choudhury M. Abdul Hye	Scheduled Caste. Muslim Do.	Yes.
9	Chandura	M. Safaruddin M. A. Wahed Haji Babu Akhil Ch. Sarker	Muslim Do. Hindu	Yes, one has been elected from Scheduled Castes.
10	Budhanti	Alhaj Maulvi Abdul Jabbar Mullah. Alhaj Maulvi Abdurnur Maulvi A. B. Badraddoza	Muslim Do. Do.	Yes, one member has been elected from Scheduled Castes.
11	Harashpur	Babu Jogendra Ch. Sutradhar. Haji Md. Manwar Ali Choudhury. Babu Bepin Ch. Namasudra	Hindu Muslim Scheduled Caste.	Yes.
12	Paharpur	M. Haji Jamaddin M. Abdul Ahad Khan Babu Isan Chandra Sarker	Muslim Do. Scheduled Caste.	Yes.
13	Singerbeel	Babu Nagendra Ch. Das M. Bahauddin Ahmed M. Ramijuddin Bhuiya	Scheduled Caste. Muslim Do.	Yes.
14	Araisidha	M. Abdul Awal Babu Sarat Ch. Das Choudhury. M. Abdul Quddus	Muslim Scheduled Caste. Muslim.	Yes.
15	Saripur	M. Mahiuddin Ahmed Babu Mahesh Ch. Rakshit Babu Naidar Chand Namasudra.	Muslim Hindu Scheduled Caste.	Yes.

Serial No.	Names of unions.	Names of nominated members.	Caste.	Whether Scheduled Caste represented.
1	2	3	4	5
16	Mulagram ..	Babu Jogendra Ch. Chakraborty. M. Abdul Khaleque. .. M. Zulfiquer Ali ..	Hindu .. Muslim Do.	No.
17	Dharkhar ..	M. Md. Mahshin .. M. Shafiquddin Ahmed .. Babu Mahim Ch. Majumder	Muslim . Do. Scheduled Caste.	Yes.
18	Mogra ..	Babu Kailash Ch. Das .. Babu Debendra Ch. Sarker .. Babu Gagan Ch. Namasudra	Scheduled Caste. .. Hindu Scheduled Caste.	Yes.
19	Akhaura ..	Babu Maindra Ch. Sutradhar Babu Abani Kishore Choudhury. M. Lal Mia ..	Hindu Do. Muslim	Yes, one member has been elected from Scheduled Castes.
20	Maniandha ..	Babu Brajabashi Das . M. Sabdar Ali Choudhury .. M. Abdul Quader Bhuiya ..	Hindu Muslim Do.	No
21	Gopinathpur ..	M. Keramat Ali Khan . M. Abdul Barik . Babu Nabadwip Ch. Das .	Muslim. . Do. Scheduled Caste.	Yes.
22	Benauti ..	M. Md. Abdul Faiz . M. Motior Rahman Babu Nabadwip Ch. Das	Muslim. Do. Scheduled Caste.	Yes
23	Badair ..	Babu Ramesh Ch. Das .. M. Abdul Wahed Choudhury M. Md. Motaher ..	Hindu. .. Muslim Do	No
24	Mehari ..	M. Abdus Sobhan . M. Sabdar Ali . Babu Banka Behari Nama	Muslim. . Do. Scheduled Caste.	Yes.
25	Kasba ..	M. Lal Mia .. M. Ansaf Ali . Babu Mano Ranjan Roy ..	Muslim .. Do. Hindu.	Yes, one member has been elected from Scheduled Castes.
26	Kayempur ..	Babu Ramesh Chandra Dab M. Abdul Hafez .. M. Munjar Ali Bhuiya ..	Hindu .. Muslim. Do.	Ditto.
27	Bayek	Babu Anukul Ch. Singha Roy. M. Abdul Barik Bhuiya .. Babu Kamini Kr. Bhattacherjee.	Scheduled Caste. .. Muslim Hindu.	Yes.
28	Aurail ..	M. Khursheduzzaman .. M. Haji Sadar Ali Munshi .. M. Abdur Rashid Khandakar	Muslim. .. Do. Do.	No.
29	Pakshimul ..	Babu Baikuntha Nath Biswas. M. Syed Ahmed Khan .. M. Md. Mozaher Mia ..	Scheduled Caste. .. Muslim Do.	Yes.

Serial No.	Names of unions.	Names of nominated members.	Caste.	Whether Scheduled Caste represented.
1	2	3	4	5
30	Chunta ..	Babu Aswini Kr. Bhattacherjee. M. Abdur Razzak .. Babu Amaresh Ch. Sen ..	Hindu .. Muslim. Hindu.	Yes, one member has been elected from Scheduled Castes.
31	Kalikutcha ..	Babu Rabhat Chandra Das M. Abdul Hakim . Babu Adhar Ch. Das .	Scheduled Caste. .. Muslim. Scheduled Caste.	Yes.
32	Paniswar ..	M. Alhaj Dilwar Ali .. Babu Kalachand Nath .. M. Amear Ali ..	Muslim .. Hindu. Muslim.	No.
33	Sarail ..	Babu Jatindra Ch. Roy .. M. Osman Ghani .. M. Aminuddin	Hindu .. Muslim. Do.	No.
34	Noagaon ..	M. Dhanu Mia Thakur . M. Abdur Rahim Munshi .. Babu Panchananda Chakraborty.	Muslim .. Do. Hindu.	Yes, one member has been elected from Scheduled Castes.
35	Shabajpur ..	M. Wahedudin Ahmed .. M. Harunur Rashid .. Babu Gobinda Ch. Acherjee	Muslim . Do. Hindu.	No.
36	Chatalpar ..	M. Saheb Ali .. Babu Jay Gobinda Nama . M. Syed Ali Bhuiya	Muslim Scheduled Caste. Muslim.	Yes.
37	Bhalakut ..	Babu Krishna Dhan Roy Babu Jamini Mohan Sarkar M. Nanoo Mia	Hindu Scheduled Caste. Muslim.	Yes.
38	Konda ..	Babu Balaram Sarkar M. Abdur Rashid Molla M. Kazi Abdul Jabbar	Scheduled Caste. Muslim. Do.	Yes.
39	Goalnagar ..	M. Ful Mia . M. Imamuddin .. M. Omar Ali ..	Muslim .. Do. Do.	Yes, two members have been elected from Scheduled Castes.
40	Nasirnagar ..	Babu Debendra Ch. Das .. M. Fazler Rahman Mollah .. Babu Manikya Lal Das .	Scheduled Caste. Muslim. Scheduled Caste.	Yes.
41	Buriswar ..	M. Md. Ismail .. M. Najamuddin .. M. Syed Ali Master ..	Muslim .. Do. Do.	Yes, one member has been elected from Scheduled Castes.
42	Fandauk ..	Babu Satish Ch. Dutta Choudhury. Babu Chandra Dhan Kaibarta Das. Babu Promod Ranjan Paul Choudhury.	Hindu . Scheduled Caste. Hindu.	Yes.

Serial No.	Names of unions.	Names of nominated members.	Caste.	Whether Scheduled Caste represented.
1	2	3	4	5
43	Guniauk ..	Babu Suresh Ch. Sarkar ..	Scheduled Caste.	Yes.
		Babu Hirendra Ch. Deb ..	Hindu.	
		M. Khadim Rasul ..	Muslim.	
44	Gokarna ..	Babu Bhuban Mohan Das ..	Scheduled Caste.	Yes.
		M. Syed Sonaullah ..	Muslim.	
		Babu Jatindra M. Deb ..	Hindu.	
45	Haripur ..	Babu Amar Ch. Das ..	Scheduled Caste.	Yes.
		M. Juhar Ali ..	Muslim.	
		M. Motiar Rahman .	Do.	
46	Dharmandal ..	Babu Kamini Kr. Sarker .	Scheduled Caste.	Yes.
		M. Intaz Ali .	Muslim.	
		Babu Rasik Ch. Bhadra ..	Hindu.	
47	Barikandi ..	Babu Pyari M. Deb Nath ..	Hindu .	Yes.
		M. Azizur Rahman Bhuiya	Muslim.	
		Babu Debendra Lal Das ..	Scheduled Caste.	
48	Ratanpur ..	M. Kazi Ataul Hoque ..	Muslim .	Yes, one member has been elected from Scheduled Castes.
		M. Sabdar Ali ..	Do.	
		M. Asghar Ali Sarker ..	Do.	
49	Biragao ..	M. Abdur Jabbar ..	Muslim ..	No.
		M. Abdus Sattar, M.A. ..	Do.	
		M. Abdur Rezzak ..	Do.	
50	Krishnanagar	M. Syeduddin Ahmed .	Muslim ..	No.
		M. Abdul Jalil ..	Do.	
		M. Jamsher Ali ..	Do.	
51	Sadakpur ..	Babu Chandra Kr. Adhikari	Hindu ..	No.
		M. Samsuddin Mia ..	Muslim.	
		M. Ali Hossain ..	Do.	
52	Natghar ..	Babu Srish Ch. Choudhury	Hindu ..	Yes, one member has been elected from Scheduled Castes.
		Babu Prakash Ch. Nama ..	Scheduled Caste.	
		M. Abdul Gaffur.	Muslim.	
53	Bidyakut ..	M. Seraj Mia ..	Muslim ..	No.
		M. Keramat Ali ..	Do.	
		M. Tota Mia ..	Do.	
54	Nabinagar ..	M. Asgar Ali ..	Muslim ..	No.
		M. Fazlar Rahman Haji ..	Do.	
		Dr. Anil Behari Dutta ..	Hindu.	
55	Sreerampur ..	M. Syedul Islam ..	Muslim ..	Yes.
		Babu Jagabandhu Sarker ..	Scheduled Caste.	
		M. Tafazzal Hossain ..	Muslim.	
56	Sibpur ..	M. Abdus Samad ..	Muslim ..	No.
		M. Saduddin Choudhury ..	Do.	
		M. Najab Ali ..	Do.	

Serial No.	Names of unions.	Names of nominated members.	Caste.	Whether Scheduled Caste represented.
1	2	3	4	5
57	Bitghar ..	Babu Benode Behari Roy Choudhury.	Hindu ..	Yes.
		Babu Dwarka Nath Das ..	Scheduled Caste.	
		Babu Mahendra Ch. Dey ..	Hindu.	
58	Kaitala .	M. Kazi Samiraddin ..	Muslim ..	Yes.
		Babu Abani Moyan Roy Choudhury.	Hindu.	
		Babu Purna Ch. Chakraborty	Do.	
59	Jenodepur .	M. Gaznagar Ali ..	Muslim ..	Yes.
		M. Syed Fazlar Rahman ..	Do.	
		Babu Amrita Lal Das .	Scheduled Caste.	
60	Ibrahimpur .	M. Rafiqueddin Ahmed ..	Muslim ..	Yes.
		Babu Benode Behari Chakraborty.	Hindu.	
		Babu Kali Mohan Mali ..	Scheduled Caste.	
61	Syamagram ..	M. Md. Junab Ali ..	Muslim	No.
		M. Abdul Gaffur .	Do.	
		Mansar Ali Sarkar .	Do.	
62	Dariadaulat .	M. Jinnat Ali Master ..	Muslim ..	Yes.
		M. Abdul Gani ..	Do.	
		Mahananda Kaibarta Das ..	Scheduled Caste.	
63	Tazkhali .	Babu Sakhi Charan Das ..	Scheduled Caste. ..	Yes.
		M. Nadiruzzaman ..	Muslim.	
		M. Abdul Mannaf.	Do.	
64	Safullakandi ..	M. A. K. M. Nurul Huda ..	Muslim ..	No.
		Babu Jogendra Ch. Dutta ..	Hindu.	
		M. Alimuddin Ahmed Amin	Muslim.	
65	Bancharampur	M. Tamijuddin Ahmed ..	Muslim ..	Yes.
		Babu Surathalal Roy ..	Hindu.	
		Babu Sonatan Kaibarta ..	Scheduled Caste.	
66	Ujanchar	Babu Dinesh Ch. Roy ..	Hindu ..	Yes, one member has been elected from Scheduled Castes.
		M. Mohar Ali ..	Muslim	
		M. Abdul Gani ..	Do.	
67	Salimabad .	M. Muezzal Islam ..	Muslim ..	Yes.
		M. Samiraddin ..	Do.	
		Babu Ram Kanai Das ..	Scheduled Caste.	
68	Rupasdi ..	M. Abdul Karim ..	Muslim ..	Yes.
		Babu Premananda Malo ..	Scheduled Caste.	
		M. Ahidur Rahman .	Muslim.	
		Babu Aswini Kr. Debnath ..	Hindu.	
		M. Abdur Rahman ..	Muslim.	

In the following five union boards election is not complete yet :—
(1) Majlishpur.
(2) Sultanpur.
(3) Kuti.
(4) Shajdapur.
(5) Rasullabad.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Petition for transfer by security prisoner Babu Priyalal Sarkar to Medical College Hospitals.

184. Babu JNANENDRA CHANDRA MAJUMDAR: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) whether security prisoner Babu Priyalal Sarkar, at present lodged in the Dacca Central Jail, has been suffering from facial paralysis and other ailments which have affected his ears and other limbs also;

(*ii*) whether it is a fact that his condition has not improved by the medical treatment he is getting at Dacca;

(*iii*) whether Medical Officer of the Dacca Central Jail who is also the Civil Surgeon of Dacca has recommended for his transfer to the Calcutta Medical College Hospital for treatment; and

(*iv*) whether Babu Priyalal Sarkar has applied to the Government for transfer?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has been taken in the matter?

(*c*) Is the Hon'ble Minister considering the desirability of having the said security prisoner transferred to the Medical College Hospital, Calcutta, or to some other suitable hospital?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) He is suffering from facial paralysis.

(*ii*) to (*iv*) Yes.

(*b*) and (*c*) The matter is under consideration of Government

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state when the report from the Civil Surgeon who is also the Medical Officer, Dacca Jail, was received by the Government regarding the transfer of the security prisoner?

Khan Bahadur MOHAMMED ALI: I ask for notice

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether this matter was brought before the Home Minister by an M.L.A. of this House during the previous session and he promised to consider the matter and arrange accordingly?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. ATUL CHANDRA SEN: With reference to answers (*b*) and (*c*), will the Hon'ble Minister be pleased to state how long the matter has been under the consideration of Government?

Khan Bahadur MOHAMMED ALI: Not for very long, but I might tell the honourable member that attempts were made to secure a seat for him in the Medical College Hospitals, but at that time the opinion of the Ear, Nose and Throat Specialist was that the matter was not urgent and there was no vacant bed. As soon as a bed is available, arrangements will be made.

Sj. NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that nearly 10 months ago the Civil Surgeon of the Dacca Central Jail himself gave the opinion that there was no arrangement in the Dacca Jail for the treatment of this prisoner and that he should be transferred to the Medical College Hospitals?

Khan Bahadur MOHAMMED ALI: Yes, Sir, a recommendation to that effect was made. He was given electric treatment but there was no appreciable improvement in his condition and that is why his case was referred to the Ear, Nose and Throat Specialist of the Medical College Hospitals.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether Government have approached the Medical College authorities to take steps to provide a bed?

Khan Bahadur MOHAMMED ALI: Yes, Sir, he was asked to advise with regard to the treatment and to state if his case was urgent and whether he should immediately be brought to the Medical College Hospitals. The opinion of the Ear, Nose and Throat Specialist was that the matter was not very urgent and there was no vacant bed in the hospitals for immediate occupation by the prisoner

Mr. NISHITHA NATH KUNDU: When was this report of the Medical College expert received by the Government?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether this Medical College expert personally examined this patient Priyalal Sarkar?

Khan Bahadur MOHAMMED ALI: I am not very sure. His case history was submitted to the Specialist.

Sj. NARENDRA NATH DAS GUPTA: In view of the fact that the Civil Surgeon of the Dacca Jail considered it necessary that he should be treated in the Medical College Hospitals, how is it that without personally examining him Government have come to the conclusion that it is not very necessary?

Khan Bahadur MOHAMMED ALI: Government came to the conclusion on the report of the Specialist who said that his case was not very urgent.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state why no improvised arrangement has been made for his treatment?

Khan Bahadur MOHAMMED ALI: Arrangement was made. Every possible treatment including electric treatment has been accorded to the prisoner at the Mitford Hospital, Dacca.

Illness and present condition of health of political prisoner Sj. Saradindu Maitra.

185. Mr. NIHARENDU DUTTA MAZUMDAR: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) whether Sj. Saradindu Maitra, a political prisoner, now in the Alipore Central Jail, is suffering from any illness, and if so, since when; and

(*ii*) whether Dr. Wahed of the Calcutta Medical College examined him?

(*b*) If the answer to (*a*)(*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what was his diagnosis; and

(*ii*) what treatment, if any, is being given to him now?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) his weight on admission to the jail hospital;

(*ii*) his present weight;

(*iii*) whether he is having slow fever and constant pain in abdomen;

(*iv*) whether he is often having blood in stool; and

(*v*) whether his bowels do not move without enema?

(*d*) Is the Hon'ble Minister considering the desirability of releasing him on medical grounds?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Minister be pleased to state the reasons thereof?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes, since September, 1941.

(*ii*) Yes.

(*b*) and (*c*) A statement regarding the present condition of this Division III prisoner is laid on the Table.

(*d*) No.

(*e*) I do not consider it a fit case for release on medical grounds.

Statement referred to in the reply to clauses (b) and (c) of unstarred question No. 185.

MEDICAL REPORT OF PRESENT CONDITION OF DIVISION III CONVICT SARADINDU MAITRA.

Present complaints—

(1) Slow fever with daily evening rise of temperature.

(2) Sweating at night and dry cough without any expectoration.

(3) Palpitation and shortness of breath on slight exertion.

(4) Obstinate constipation.

(5) Pain over lower part of both sides of chest and pain in the lower abdomen, especially right side.

(6) Gradual loss of weight.

(7) Occasional difficulty in micturition and even retention of urine.

Examination—

(A) Physical—

(1) Chronic granular pharyngitis with deviation of usual septum to the right.

(2) Evidence of slight bronchial catarrah.

(3) Shotty glands palpable through the abdominal wall right side.

(4) Heart and lungs—Nothing abnormal.

(5) Spleen and liver—Not palpable.

(6) Lungs—(1) V.F. and V.R. diminishes near inferior angle of the Lt. Scapula; and (2) Friction Rub audible—Left interspace—5th and front.

(B) Microscopical—

(1) Sputum—A.F.B. or Elastic Tissue—Not found.

(2) Stools—Amœba. Syster Ovs not found.

(3) Blood—(1) M.P. not found.

(4) Urine—Nothing abnormal.

His weight on admission was—95 lbs.

His last weight on 30th March, 1944—72 lbs.

Sd. B. ROY,

Medical Officer, Alipore Central Jail.

Point of order.

Dr. NALINAKSHA SANYAL: May I rise on a point of order? Regarding the business of today we had not any notice issued to us so far and we only saw on the table today that the business proposed to be taken is the business remaining from the 12th June, 1944. The rules require—rule 21 I invite your attention to—that a list of business for the day shall be prepared by the Secretary and shall be circulated to all members. It is an obligatory rule requiring the Secretary to circulate the list of business to all members. Presumably, Sir, this circulation is to be effected before the time of the meeting or before the member is coming to the House. (Khan Bahadur MOHAMMED ALI: That is your presumption.) And it is also common sense that when notice is to be given, the notice must be issued in sufficiently good time, so that the members may receive the notice and may apply their mind on the business proposed in the notice, so that when they come to the House, they come really prepared for the work of the day. Further, Sir, it is laid down in rule 22 what, in the event of such notice not being given, may happen. That also is contemplated. "All business appointed for any day and not disposed of on that day shall stand over until the next day of the session available for business of the class to which it belongs." From this it is reasonable to assume that if on any particular day the business appointed for that day is not disposed of it will stand over until the next day. It is said "not disposed of", not that it is suspended or withdrawn or adjourned, but "not disposed of" is the significant term used, and I submit, Sir, yesterday we had certain Bills proposed to be moved for consideration. That matter was not disposed of yesterday and in the absence of any other notice, today being the Government day, not a non-official day, the next available day of the Session for that category of business, for example, Government business, in the normal course of things in the absence of any notice to the contrary, that business, namely, the business of yesterday will be presumed to continue today. This notice placed on the table, Sir, contradicts that position. It appears that at a time after we dispersed yesterday or probably today it was discovered, because from the printed notice it appears that the printing was done today, we find the date 14th June printed at the bottom of it,—that certain business will be done, and as a result we are taken by surprise. We are now required to apply our mind to business quite different from what we were ready to take up and I for myself must most humbly submit,—and I never come to the House without proper preparation,—that I have not got the papers of the business of the 12th June with me today. I have, on the contrary, got the papers of yesterday's business, these Bills and the amendments, with me and it will be extremely difficult for me, I do not know of other members, to follow the work of this House and to contribute my humble service to the business of the Assembly, if, Sir, the surprise that is now foisted upon us is actually acted up to. In this connection, I may invite also your attention to two or three previous occasions where on such objections taken in the House, the then Hon'ble Speaker had actually adjourned the House and asked the Government to either bring some other matter which could be relevant or brought to the House or to postpone the work of that particular nature for which no notice was given previously. Sir, on the 22nd June, 1939, when the House was considering the Bengal Money-lenders' Bill,—the Hon'ble Mr. Suhrawardy was then actually conducting the work on behalf of Government, although technically speaking the Minister-in-charge was Khan Bahadur Nawab Musharruff Hossain—an objection was raised by Mr. Surendra Nath Biswas when an amendment was sought to be moved that very day which was not previously made available to the members. On the objection being taken the Speaker put to the Government side whether they would insist upon it and in all fairness I must say that the then Government said that they would not press it and the matter was held over. Not long ago, Sir, only during the current

session itself the Hon'ble Mr. T. C. Goswami foisted on us a new amendment of clause 6 of the Agricultural Income-Tax Bill. Both Rai Harendra Nath Chaudhuri and myself raised the objection that this new amendment of this new clause 6 could not be taken up then and there, because we did not have previous notice of the same and we could not apply our mind on it straightaway. On such objection being taken Mr. Goswami was good enough to agree to the Presiding Officer's suggestion—I believe it was your good self who was presiding or it may be the Deputy Speaker—and the matter was held over. I am not just now in a position to give you some other similar precedents but I feel—I am not very sure and I would not quote anything from memory, but other members of the House will bear me out and I suppose there will be no objection—that in connection with the Bengal Agricultural Debtors (Amendment) Act a similar situation having arisen after a party meeting of Government, certain new proposals were proposed in this House as a result of which the objection having been raised, the House was immediately adjourned. There was no previous notice in any of these cases, and therefore, the business could not be proceeded with.

With this submission, Sir, I pray that you may be pleased to direct that there having been no proper compliance with the rules of the Assembly, particularly rule 21, no business other than those taken up or proposed to be taken up and not disposed of yesterday can be taken up today, and if Government is not prepared to continue yesterday's business this day, then the only alternative that you will have left will be to adjourn the House.

Mr. FAZLUR RAHMAN: Sir, if you kindly refer to rule 21(*1*) you will find that the contention of the Opposition is baseless. The rule runs thus: "A list of business for the day shall be prepared by the Secretary and shall be circulated to all members". Here, Sir, it is "for the day" that a list shall be prepared by the Secretary. That shows that it is not required to prepare the list even previously (Cries of "Ha", "Ha" from the Opposition Benches.) No notice has been mentioned here. As regards the question of requiring a list on a particular day previous to the day on which the business is to be taken up, that is not indicated here in the rule. On the other hand, Sir, the amendments which could not be taken up in the Assembly and which have been referred to by Dr Sanyal will require under the rules a certain period of notice, and because that period of notice was not available that is why an objection having been taken the same could not be transacted in this House today But here no notice is required.

Then, Sir, apart from the question of business, you will say that the House will meet on such and such day and at such and such hour. That is your prerogative, Sir. The House has met to take up business. How can a point of order be raised now? Point of order is not a recognisable item of business. Point of order has never been included in the list of business. Therefore the House today will be in possession of that point of order and they are going to discuss that point of order. Even if the contention of the Opposition would have been true, which it is not, even then the House can discuss the point of order of which it has been in seisin. Then with regard to the business fixed for any day and not disposed of on that day that contention does not require any answer at all. Sir, if you refer to rule 20, it runs thus: "At times when the Government business has precedence the Governor may arrange that business in such order as he thinks fit". Rule 22 says that all business appointed for any day and not disposed of on that day shall stand over until the next day of the session available for business of the class to which it belongs. That is the case when the day is available for that class of business. But today Government has not made available for that class of business because it is the prerogative of the Government to arrange its own business.

Mr. JOGESH CHANDRA GUPTA: Sir, I want to deal with the point that has just been made by the Chief Whip of the Government saying that the list of business for the day means that the Secretary has to prepare on the day a list of business. Nothing can be more atrocious than such an interpretation because if that was the intention, then the clause "shall be circulated to all members" becomes ineffective and redundant. Therefore rule 21(*1*) clearly means that a list of business to be transacted on that day is to be circulated previously to all members so that they can have it. I would only want to add one special thing. Sir, you will agree that formerly those of us who had some experience of former legislative work know that the Government always published a list which gave at least 14 days' notice, if not a week's notice. But the present Government have been changing their order of business and all these things so often and at such short notice that that itself is a most undesirable thing against the privilege of the House.

Mr. SPEAKER: That is too general a point.

Mr. JOGESH CHANDRA GUPTA: Therefore, I say that to interpret the list of business of the day to mean that the Secretary has to prepare it on that day cannot possibly be accepted. As this point has been very fully discussed I need not take up more time of the House.

Mr. A. F. STARK: Mr. Speaker, Sir, I should just like to make it clear that so far as I myself and members of my party are concerned we did receive a notice containing the list of business for today——

Dr. NALINAKSHA SANYAL: When?

Mr. A. F. STARK: At mid-day——

Dr. NALINAKSHA SANYAL: Sir, why this special treatment to the European party and why this partiality? Why should they get the notice and not we?

Mr. SPEAKER: Dr. Sanyal, will you kindly resume your seat? You say, why this special privilege to the European party? Let us hear him first and then we shall know.

Mr. A. F. STARK: Mr. Speaker, Sir, I have here Circular No. 96(250)-L.A., dated the 13th June, 1944, which was received by me today. I do not remember the exact time but I think it was mid-day.

Dr. NALINAKSHA SANYAL: You said that all your members received it?

Mr. A. F. STARK: I have enquired of them and they say that it was received today. It says that today's business is the business remaining from the 12th June, 1944. I submit, Sir, that that is in compliance with rule 21 which says that the list of business for the day shall be prepared by the Secretary and shall be circulated to all the members. I think there have been many previous occasions on which the list of business for the day circulated the same day has been taken up. I would agree with the Opposition that they would have a legitimate grievance if there was a new business taken up today and they had no time to consider it. I do not think they can possibly argue that the business for the day was not known beforehand.

Khan Bahadur MOHAMMED ALI: On a point of order, Sir. An objection has been raised and there has been some discussion and it is now for you to give a ruling. I do not think you will allow a full dress debate on this point.

Mr. SPEAKER: I am not going to allow any debate on this matter. It is only a question of interpretation of rules and nothing else. So far as

the interpretation is concerned I have got sufficient assistance and I do not think I require any more assistance on that point. But if members think that leaders or whips of parties may have something to say, as Mr. Stark has stated, as to whether they have received this notice or not, that is quite another point, and I hope there will not be any further attempt to explain the rules. That has been sufficiently explained.

Mr. A. K. FAZLUL HUQ: As you have already pointed out, Sir, it is a question of interpretation of the rules and in order to enable you to clearly interpret the rules it is necessary that you should have all the facts——

Mr. SPEAKER: Mr. Fazlul Huq, it has been said from the Government side that they have not been able to follow you. If you have no objection, will you kindly go to the microphone?

Mr. A. K. FAZLUL HUQ: Sir, if there is no disturbance in the House I can raise my voice to the highest pitch to be heard from every corner but if any members are determined not to hear me I cannot make them hear.

Now, Sir, I am addressing you. I am giving you facts. I have not received any notice and as far as I can ascertain from members on this side of the House they have not received it.

Dr. ABDUL MOTALEB MALIK: Mr. Atul Kumar has got it.

Mr. A. K. FAZLUL HUQ: Therefore the position is this. If everybody had got the notice there would have been a compliance with the rules. If none had got the notice, that becomes a question of interpretation. But here Mr. Stark's statement makes it clear that the European group and some of the members of the Government party got the notice but not the members of the Opposition party. This is the invidious distinction that has been made between the Government party and the Opposition. But at any rate some of the members have got the notice and the majority have not got it. Therefore there is no compliance with the rules and the business of the House cannot go on.

Mr. SANTOSH KUMAR BASU: Will you allow me, Mr. Speaker, two minutes' time to make the position clear? I did not receive any notice before I came to the House and nobody on this side received any notice. Now, Sir, if such a thing is allowed to happen then there is no knowing where it will stop. I ask you to decide once for all for future guidance whether such a fundamental right should be denied to the members of the House, and that they need not get a notice of the business of the day before they actually step into the Chamber itself.

Mr. SPEAKER: I think I should first of all state the facts, and before even stating the facts I think it is incumbent on me to clear up a confusion with regard to the term "notice". Mr. Stark has said that he has received the notice. What is that notice must be ascertained first. He came to me and showed me the notice. I have seen it. This requires a little bit of explanation. The list of business of the day must not be confused with the programme circulated. Yesterday we got the programme for today: I mean the office got the programme for today yesterday, and the programme was circulated. Steps were taken immediately.

Dr. NALINAKSHA SANYAL: When was it received?

Mr. SPEAKER: It was received at about 3-30 p.m. yesterday.

Dr. NALINAKSHA SANYAL: So your office received it only at 3-30 p.m. yesterday?

Mr. SPEAKER: Let me explain. It was received then and immediately steps were taken for circulation thereof. I see from the records that circular No. 9625L.A., dated 13th June, 1944, was despatched yesterday, I understand, by post.

Dr. NALINAKSHA SANYAL: When?

Mr. SPEAKER: It was posted yesterday.

Dr. NALINAKSHA SANYAL: When?

Mr. SPEAKER: I cannot give you the exact time.

Dr. NALINAKSHA SANYAL: It must be after 7 p.m.

Mr. SPEAKER: Order, order. It may be, I do not know. It was posted yesterday. That is the notice that has been referred to by Mr. Stark. That is the notice of the programme of Government that was circulated by the Secretary yesterday. Now, so far as the list of business is concerned, it will appear from the date itself that it was not circulated yesterday. Therefore no question of any discrimination between one group of members and another arises. It may be, some of the members have not received it through post; it might not have been delivered. The programme was circulated yesterday through post.

Dr. NALINAKSHA SANYAL: Ordinary or Express delivery?

Mr. SPEAKER: No question of Express delivery arises. Then, so far as the list of business for today is concerned, it has been prepared and laid on the table today. That is clear from the date itself.

Now these are the facts. It is now for me to give my view of the interpretation of the rules. It has been stated that rule 22 applies. It means that the outstanding business of yesterday should come forward today. As to that I think my view is absolutely clear that yesterday's business on the list was disposed of. Nothing remains. Therefore, no question of that business coming forward today arises.

The next question is with regard to the present list of business. Now rule 21 says, "A list of business for the day shall be prepared by the Secretary and shall be circulated to all members". Rule 21(2) says, "No business not included in the list of business for the day shall be transacted at any meeting without the leave of the Speaker".

Now, therefore, the point is this. That this has been circulated is clear. It has been placed on the table here: I do not mean that this was circulated by post. It is on the table here: that is sufficient circulation. That is the way in which for a pretty long time notices, lists of business, etc., have been circulated.

Mr. HARIPADA CHATTOPADHYAY: Sir,——

Mr. SPEAKER: Order, order. You may not be satisfied with my ruling. I am giving my reasons. Will you please sit down when I am speaking?

Therefore, the point is this: whether there should be any time intervening between the meeting and this circulation of the list of business. That is the real point at issue. So far as that is concerned, I find that in the past, business has been transacted in this House by placing the list of business on the table on that very day. This has been done in the past, and if you want any evidence I can hand over the lists of business prepared for the 5th, 8th and 9th. This has been done recently. I understand from office that this has frequently been done, and no objection has ever been taken. These are the facts patent on the face of them.

Now, therefore, the question arises whether in this particular case there is any very serious reason why the business to be transacted today should not be taken up. So far as I can see, this business for today is the business remaining from the 12th June, 1944, viz., the discussion on the closure matter. It is a matter which has been discussed and which is to be discussed—that is practically known to everybody. It is not a surprise to any member, and I do not think——

Mr. ATUL KRISHNA GHOSE: Before you——

Mr. SPEAKER: Please resume your seat.

I think no question of any prejudice whatsoever can possibly arise in a matter of this description. Even assuming for the sake of argument that this is not on the agenda, I am quite authorised under rule 21(2) to allow a discussion of that matter today. Therefore, I rule that we go on with the business that is remaining from the 12th June, 1944.

Yes, Mr. Abdur Rahman Siddiqi.

Mr. A. K. FAZLUL HUQ: Sir, may I ask your leave to inform the House that in consequence of certain proceedings in the Calcutta High Court this morning a rule has been issued on the Special Officer appointed by Government to take over charge of administration of affairs in the Howrah Municipality, calling upon the Special Officer to restrain himself from doing so, and a notice has been served on the Government of Bengal through the Secretary in the Department of Local Self-Government, that this order has been passed by the Calcutta High Court. Now, Sir, it is a very serious matter. We were told yesterday that in consequence of enemy action somebody should take at once the charge of affairs of the Howrah Municipality. We do not know where the enemy is and what is the contemplated action of the enemy regarding Howrah and the province of Bengal. Would the Hon'ble the Home Minister please enlighten the House what arrangements have been made for thwarting enemy action in view of the fact that the Special Officer has been restrained, and, secondly,—it is of minor importance—who is going to carry on the business on behalf of the rate-payers of Howrah.

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not propose to make any statement.

Dr. NALINAKSHA SANYAL: Government have no statement to make. They are flabbergasted.

Mr. SPEAKER: Order, please.

Khan Bahadur MOHAMMED ALI: How long will you force this House to tolerate him?

Rai HARENDRA NATH CHAUDHURI: So long as the High Court boxes the ears of Government.

Mr. CHARU CHANDRA ROY: May I ask through you the Home Minister whether——

Mr. SPEAKER: Mr. Roy, after this it is not proper that you should rise. Yes, Mr. Siddiqi.

GOVERNMENT BILLS.

Bengal Secondary Education Bill, 1944.

Point of order on the validity of a closure motion.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, I shall not detain the House to-day long. We were told that the Opposition had been robbed of the right of its leaders of summing up the 50 or 60 speeches made by members in the Opposition parties. This claim, Sir, may be correct but the same conditions apply to members on this side. We were also robbed of speakers who wanted to present the Government view of the case before the House. Now, Sir, if they were robbed and we were robbed, the equilibrium is maintained, for in deciding things, Mr. Speaker, and in trying to protect the rights of the minority, I would appeal to you to safeguard the rights and interests of the majority also, and, above all, I think you will consider it your primary duty that the Government of the country continues and functions smoothly and with regularity. And, Sir, these 6, 7 or 8 speakers who were to speak on that day had been decided upon by mutual

agreement. The list was given to you. They went back on an arrangement which had been submitted to you in an official manner. In trying to protect the rights of the two sides, I would respectfully appeal to you, Mr. Speaker, that when you have to choose between the protection of "the right to speak" and "the right to howl", you will,, I feel certain, Sir, see that no member of the House is denied the fundamental right to express his views before the House.

Another argument that was used was that the member who was denied a hearing should resign, get re-elected and then come and address the House. That, Sir, as known to students of constitutional history, is wrong. Convention of Parliament as well as decided cases do not compel a man, when he changes his political party, to resign his seat in the House. Not one but half-a dozen cases, perhaps more, will be found decided by the highest courts in Great Britain to give us the indication that if a member changes his party he is not compelled to resign. He retains the right to address the House and he retains every right which the Opposition or the Government of the day and its members possess.

There is another minor aspect of this problem, Mr. Speaker, and that is that Mr. Goswami was and is a member of the Congress. The Congress divided itself into two and there was bitterness between the two sections. Now a third group has been formed which the Basuite section does not like or respect. I understand that feelings are bound to rise high when members leave one group for another, but to shake hands with one group of Muslims and not to allow others to shake hands with another group of Muslims, is neither just nor fair. If the Indian National Congress, our premier political institution in this country, had remained united and solid, the objection might have had some weight in my consideration, but divided among themselves, they cannot call each other names because, except the little group under the leadership of Mr. Kiran Shankar Roy the rest have no right——

Mr. DHIRENDRA NATH DATTA: It is absolutely irrelevant. There is no relevancy.

Mr. ABDUR RAHMAN SIDDIQI: Your acceptance of the closure motion has been questioned from many angles, Mr. Speaker. They could have questioned the irregularity, if there was any, when you admitted it. They lost the opportunity. After that, Mr. Speaker, in your wisdom you put the motion to the House and you declared the will and intention of this House of legislature as you are bound to do. They had another right and they had yet another privilege. They could question your declaration and they could demand a division. That was not done and, therefore, your declaration of the wish of the House stands. You are, after that, Mr. Speaker, *functus officio*. There is no ruling to be revised or to be reconsidered. The motion was accepted; the motion was put; and the motion was declared carried.

Sir, a point more, to which the House has, perhaps, not paid the attention it deserved. Had the disturbances not continued, I am satisfied—if I am wrong you will correct me, Mr. Speaker—that you were on the point of putting, the amendments to the motion of the Hon'ble Minister for Education, to vote in accordance with the wish of the House. Unfortunately, the House was adjourned and we could not go further. In my judgment, therefore, this discussion is redundant and not to the point. There is no question of revision of any ruling from the Chair; the Chair has no ruling to revise. It is the decision of the whole House as declared by you. If it can be changed at all, it is the House alone that can do so.

Sir, I have done. It has been my privilege to sit in this House and try to understand its procedure and help you in my humble way as best as possible. If rulings from the Chair or decisions of the House are allowed to be questioned, we shall not be able to carry on in a dignified and in a

legal manner. Sir, if every ruling and every decision is questioned, parliamentary practice, conventions and even the law of the House will become a travesty and also a tragedy. Let us fight on the Secondary Education Bill issue, fair and square, and, by all means, let us use every tactic available, but Mr. Speaker, you should not be attacked, your rulings should not be questioned and you should not be charged openly either of partiality or of showing any special consideration to Government. In fact, according to your own statement, you have leaned rather too much towards the Opposition because of its being a minority and as Speaker you must protect it against attacks and onslaughts from the Government majority. Mr. Speaker, with all the sincerity that I can command, I submit that you will not disobey the mandate of the House as given to you which you are in duty bound to carry out without fear or hesitation. The minority may be protected, but do not, in the name of parliamentary procedure, in the name of the rights of individual members of the House, trample upon the rights which the majority also possesses and upon rights which every individual member possesses.

Mr. SANTOSH KUMAR BASU: Mr. Speaker, you may please remember that it was I on behalf of the Opposition who raised this point of order first and opened the discussion. It has gone on from this side to that side, swinging from one side to another. I do hope, Sir, that you will kindly consider that it is the right of the Opposition to reply to this debate—or discussion—I will not call it a debate—for the purpose of helping you. I know that it is a matter for your discretion. But in exercising your discretion you will kindly remember that the Opposition had raised this point of order and several speakers had been given an opportunity by you to take part in the discussion for the purpose of assisting you. I hope you will decide that the Leader of the Opposition should have the right to reply to any other points which may be raised on behalf of the Ministerialist party.

The Hon'ble Mr. H. S. SUHRAWARDY On a point of order, Sir. I would like to state that you have asked the House and certain members to assist you as to the validity of your ruling. This is not a debate. If it had been a debate, then I am sure none of us would have participated in it.

Mr. A. K. FAZLUL HUQ: Sir, may I rise on a point of order? When you gave your decision on the closure, we on this side of the House felt that your decision on the closure was, I respectfully submit, not right. We challenge that decision as it affects us from our point of view more than it does the other side, because the decision is already in their favour. Therefore it stands to reason, apart from other considerations, that the party leaders who feel aggrieved should have the last word, so that when you come to decide finally it may not be said that they had not got the opportunity of placing their points of view before you. We ought to have this opportunity to reply to what Government may have to say. I think, Sir, that the Leader of the Opposition should have the last say.

Mr. SPEAKER: So far as I have been able to see this matter, I think even the procedure that has been followed in this discussion is not quite correct. I am very doubtful about the procedure itself. But apart from that, as far as I have been able to see it according to our Procedure Rules even when there is a substantive motion moved by any non-official member or anybody else, the member may have a right of reply but after that the Minister has got a right of reply. The Minister comes last.

Now, here in this case, it is not a question of even a substantive motion. It is a question of assistance being rendered to me and the matter has been discussed from this side and that side and I think the Ministerial side should have the last say.

Yes, Mr. Fazlul Huq.

Mr. A. K. FAZLUL HUQ: Mr. Speaker, Sir, during the last few days, appeals have been made to you on various matters and today when I take

up the thread of this debate I want to make a most earnest appeal. My appeal is simply this that in giving your decision on this very important constitutional point you will bring an open mind to bear upon the issues that arise and that you will give your decision after having considered all facts and circumstances, having regard also to the very important fact that in many respects the points raised are of a somewhat novel character—not covered by any precedent.

Sir, before I make my submissions, so far as this point is concerned, I wish to recall the facts in order that I may be able to place before you my point of view regarding the points at issue.

Sir, on that day when we broke up rather abruptly there was before you a list of speakers which had been previously prepared and which had been provisionally agreed upon by the representatives of the various parties in this House. This practice of drawing up a list of speakers is nothing new and it has been followed in the case of all important discussions in this House. I submit, however, that this is more or less a Ministerial act intended simply to ascertain from before who are the speakers who intend to take part in the discussion so that you may be able to apportion the time and also to make sure that no one who wants to speak may be unnecessarily shut out. I submit, Sir, that there is nothing sacrosanct so far as the list is concerned, neither so far as the list of names nor with regard to the order of priority or the order in which the speakers are to be called upon by you to address the House. It so happened that after the discusison had gone on for some time the Hon'ble Mr. Tulsi Chandra Goswami rose to address the House. At that time there was certain uproar and for some time the business of the House could not go on because of the disturbances that were going on on all sides of the House. (Dr. ABDUL MOTALEB MALIK: It was on your side only.) Some members want to impress upon you, Sir, that the disturbance was all along from this side of the House only, and that members of the other side were sitting quietly like so many lambs. You have yourself witnessed the manner in which they rose from their seats and tried to interrupt members who attempted to speak and caused disturbance. I do not think that members of the Opposition can claim that they have got superior powers of intervention and interruption to those that are possessed by the members of the Ministerialist party. They are equally strong in the matter of interruption, if not stronger and therefore, there is no use saying that the disturbance was all along from this side of the House.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, we, on this side of the House, did not interrupt.

Mr. A. K. FAZLUL HUQ: Whatever that may be there was disturbance in the House, and in the midst of that disturbance the Leader of the House rose in his seat and when the disturbance was still going on he moved that the closure may be put. Now, Sir, frankly speaking, many of us did not even hear the Leader of the House moving that motion. You might have heard it and you wanted to put it to the House and you did put it to the House. And it now appears that you declared that those in favour of the closure motion were in the majority and in the usual technical expression you therefore declared "the Ayes have it". The question now is, having once said that, the words having once gone out of your mouth, does it lie with us or any section of the House or with any member, to ask you to reconsider that decision and to allow the discussion to go on from the point at which it had stopped? In order to decide that point I would respectfully ask you to consider certain points. Let me tell you most respectfully that I very much sympathise with you. The more you have heard the discussion the more confused you must have become. There is a story of a judge who used to take elaborate notes and also used to hear arguments, and then he said once "I heard both the sides and then got confused". Therefore,

Sir, many of the speeches that have been delivered instead of being a help to you must have been somewhat confusing to you and I do not know whether in closing this debate I am not also deepening the confusion. That point has to be satisfied. But, Sir, I shall try to be as brief and as pointed as possible so that no extraneous matters may crop in and cloud the issue. I would ask you again most respectfully to consider the points of view which I have made for your consideration. Sir, when you decided to put the matter to the House there is no doubt that something more than mere disturbance, namely, tumultous scenes, were going on in this House. The voice of members speaking could not be heard even from a few yards ahead and in the midst of that tumult and confusion you put to the House that the question before the House is such and such, and having done that you decided that those who were in favour of the closure were in the majority and you gave your decision in their favour. Now, Sir, what is really meant by the word "closure"? The word "closure" is a verbal noun from the word "close" which means to bring to an end or to terminate and technically and constitutionally a closure motion means a motion calling upon the Speaker to put an end to the debate so that the Speaker may not allow any discussion to go on interminably provided he is satisfied that the matter has been sufficiently discussed and the rights of discussion which naturally belong to the members of the House are not thereby restricted. Now, Sir, when you put a motion to the House you naturally do so in the belief that the members are aware of what you are doing and that they are capable to give a considered decision on the question which you put before the House. Sir, you will take into consideration the fact that when you announced your decision as to whether the "Ayes have it", or "the Noes have it," it is given to the members of the House the privilege to challenge your decision by calling for a division so that the members may record their votes and it may be found out whether you have correctly gauged the opinion of the House when you declare that the motion should be decided in a particular way. If you give your decision at a time when the members are far more engaged in creating disturbances rather than listening to you when you say "the Ayes have it" or "the Noes have it," the body against whom that decision is given do not get an opportunity of challenging your decision by calling a division. Therefore, the fundamental point is whether when you put that motion to the House the House was in a proper mood to consider whether the question that you had put to the House could be properly answered by the members of the House. It may be argued that the members themselves created disturbance, and therefore they cannot plead that because there was disturbance in the House you were not within your rights as a Speaker to put the motion to the House in that disturbed state. Sir, it is not a question of who began the disturbance or who were concerned with it. That is a matter which you have to take into consideration when you come to the question of awarding punishment. It is not a question before you for decision which party or who were guilty. The point for consideration is whether the circumstances were such—whatever circumstances may have arisen—that you could not really ascertain the very important point after consideration of the facts and circumstances. Sir, supposing a man has got to give a judgment and for certain reasons he has not got sufficient opportunity to consider the important point of the case—he may be in such a mental frame of mind that he has not been able to bring his sound judgment to bear on the question for decision. If that is so, the judgment given by that man is not a proper judgment. Sir, without wanting to be disrespectful, if a Judge has got to give a decision—he hears argument from the morning, goes home, then gets into a disturbed frame of mind for some reason—he comes to deliver judgment and delivers it in a demented frame of mind—I do not think that is proper judgment. So far as the House is concerned, even though the members were not demented, they were in a state of frenzy, and therefore whatever may have been the decisions that were given to a section of the House the same cannot be said to be decisions which should be at all seriously considered.

Now, Sir, a point has been discussed by Mr. Abdur Rahman Siddiqi that the matter has gone out of your hands and that it is the property of the House. It is absolutely nothing of the kind. If I am right that in no circumstances you could have or should have put that point before the House to get their decision, I submit that proceedings were void *ab initio* and therefore everything that followed was also void.

Take the case of a decision in a Court of Sessions. Before that Court has got seisin of the matter, there is an enquiry stage by the Magistrate before the case is committed to the Court of Sessions. If the commitment had been illegal, everything that followed it falls to the ground. Therefore, although the House can be taken to have given its judgment, I submit that the judgment was given under circumstances which cannot be allowed to stand, because you put this matter before the House at a time when, as I have already submitted, the matter should not have been put to the House for consideration. Sir, judging from that point of view, I think the question before you about whether the closure motion had been carried or not is entirely open for—not really discussion—but it is open to you for reconsideration. If you put the matter bluntly as to whether you can reconsider your decision or not or the matter was one where the rule provides that the Speaker can review his own decision, the question may be answered in a different way. But I am not putting it before you in that manner. I am not asking you to hold that it is open to a Speaker to give a decision and then to review it without sufficient or good cause. I submit that it is not a case of review at all. We want you to hold that the whole thing has been *ultra vires* from the very beginning, and therefore the thread should be taken up from where unfortunately it had been stopped.

Sir, there is one point which I would submit to you for your consideration in this respect. You yourself pointed out to us when you read the rules that there were certain limitations to the Speaker putting the closure motion to the House. If the Speaker is satisfied that there has not been sufficient discussion of the matter at issue, he should not exercise his discretion to allow the closure motion to be moved. In this particular case there is no doubt that there have been numerous speakers, far more numerous than usual. But that is not the point of view from which this matter has got to be judged. You will find that three of the leaders of three groups have not yet taken part in the discussion, although dozens of members may have spoken. It is certainly necessary that the leaders of the groups should be given an opportunity of taking part in the debate. I would respectfully request you to consider whether you can hold that in spite of the fact that there were so many speakers and lengthy speeches, the matter has been sufficiently discussed. After all, the question of sufficiency has got to be judged with a view to circumstances. Sufficiency is not attained merely because 50 members may have spoken. It may be sufficient if only half a dozen meto the have spoken. It will be insufficient if important members represe arisen ioups who can be expected to throw light on the questions at issue have not spoken; and if they have not spoken, I submit that there has not been sufficient discussion. Sir, in this connection you may kindly take into consideration the fact that there are three or four leaders of different groups who have not spoken; and if you do hold that the closure motion had not been put and that the discussion should go on, it would not very much matter to the House if three more speakers speak on the subject. On the contrary, if these leaders are allowed to speak, there would be no grievance on the part of members of this House that the matter had not been sufficiently discussed. After all, you will be pleased to remember that the point under discussion was whether the Bill should go out for circulation, or should be referred to a Select Committee or that the Bill should be referred to a Select Committee of the whole House. Sir, on an important point like this, if for any reason the leaders of the groups have not spoken—not one or two but three or four leaders of different groups have not spoken—I

submit you will not shut out the debate merely because you had put to the House "the closure be now put" and that you have declared that the House has decided that the closure has to be put.

Sir, if you very kindly look at the matter from the point of view as I am putting before you, can it be said that there has been a sufficient discussion of the matter which was before the House? That is the first question and I submit that so far as that question is concerned, the answer is clear that the Leaders of the groups had not spoken and, therefore the debate had been insufficient from that point of view. It may be argued that it was their duty to have spoken. I am not here, Sir, to decide or pretend to decide what was their duty, but there is no gainsaying the fact that for some time the business of the House was being conducted in such a manner that more useless than useful business was being conducted and it was impossible for members who wanted to take part in the debate to get up and press their points of view before the House. Nobody knew that such a contingency would arise and this brings me to a point which I hope you will not forget when you give your decision on this important issue. It has been said that the Hon'ble Mr. Goswami was deliberately insulted by the members of the Opposition. I can assure you, Sir, that whatever happened that evening was not deliberate at all. Sir, it is something like putting a spark to the powder magazine and there is an explosion. What has happened here was not only spontaneous but even the members themselves who took part in the scene that followed did not know even a second before the disturbances arose that such a contingency would happen. Unfortunately, therefore, if the thing that had happened had been deliberate, it would have been a different matter, and I can assure you, Sir, and several other members have assured you, that it was not in consequence of a deliberate plan that these disturbances took place on that day. Disturbances took place because of interruptions by members of both sides of the House. Members on this side were not prepared to allow Mr. Goswami to speak and members on the other side thought that he should speak and there was an uproar and, therefore, it cannot be said that anybody has deliberately brought about that situation. I, therefore, submit that once you decide that there has not been sufficient discussion of the debate, you will be pleased to hold that the question whether the closure motion should be put or not was entirely inopportune. If you once decide in our favour, then I submit that the question whether the closure motion has been declared to be passed or not can be reconsidered by you and you can in these circumstances hold that the proceedings that had followed when the Leader of the House asked you to put the closure motion were entirely void *ab initio*. It was not merely void at the instance of anyone but it was absolutely void. It has got to be washed out and if that is so, we have to be brought back to the stage where we were before you put the clousre motion before the House.

Mr. Abdur Rahman Siddiqi has more than once remarked that it cannot be the right of the Opposition to put off the proceedings of the House indefinitely. Possibly, Sir, that is a good exposition of law. Nobody has got any privilege to interfere with the due course of business. It is not the privilege of the Opposition to hold up the business of the House indefinitely and unnecessarily, but it is certainly the privilege of the Opposition to see that their constitutional rights are not infringed and the ministerialist party which may happen to enjoy a questionable majority cannot use that majority to ride roughshod over the feelings of the people and do whatever they like in the House. Nobody has the right to wound the feelings of others and then complain that those whose feelings are wounded have no right to retaliate. If they retaliate, it may so happen that the constitutional business of the House may be retarded. I hold the view that although the Opposition may be in a minority, it is the duty of the minority to see that the majority are always kept on the right track and in order to do that the Opposition minority can adopt all means, constitutional and

even unconstitutional, to restrain the tyrants from carrying on a campaign of terror against the people who have not got the majority votes at their disposal but who have got as much right to live with their rights intact and uncontrolled and who have also got the right to see that those rights are not trampled upon by the Government.

Sir, let me say for the hundredth time that the majority which the Ministers have in this House is a majority of which they ought to be ashamed. (Cries of "hear", "hear" from the Opposition benches and cries of "why", 'why" from the Government benches.) It is no question of "why". I can give the amounts for which votes have been purchased.

(Interruptions and loud noise from both sides of the House.)

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Mr. A. K. FAZLUL HUQ: Sir, I can well understand the resentment of some of my friends who have made that remark——

Mr. SPEAKER: I hope you won't say anything irrelevant.

Mr. A. K. FAZLUL HUQ: Sir, it is very relevant, but I need not say it, because it is painful to some of the members of this House. Sir, when we were adjourning for the recess, I noticed my young friend Mr. Yusuf Ali Choudhury rising in his seat and shouting something which I could not hear, but it must be some words of abuse, because it is his wont to indulge in abuse without any rhyme or reason. He is not here, but had he been here I would have told him that there is a saying in English Courts of Law that the greater the truth the greater the libel, and I think that will be sufficient for him and for those of his way of thinking who do things not at all justified but who think that they have the privilege of not being considered that what they have been doing is absolutely wrong and unjustified. The greater the truth the greater the libel.

As regards the point at issue, I have already submitted to you that before you come to your decision you have got to decide certain preliminary points. In the first place, was the House at that moment in a position to appreciate the question that you put to the House? Mr. Abdur Rahman Siddiqi has said that it is the will of the House that has been expressed. I contend that point. A good number of members—and I think the majority of the members—were not in a position to hear what was going on and to be aware what the proceedings were on account of the disturbance that had been going on in the House for some time. As I have already submitted, it is utterly irrelevant to consider either the reasons or to consider who were the persons who are responsible because the point at issue is not who is guilty and who has got to be punished, but the point at issue having regard to the circumstances from whatever reasons those circumstances may have arisen is whether the House was properly constituted at that moment to consider the question that you were putting before the House for consideration. I have already submitted that it is not the will of the House, nor is it the decision of the House, because at least the majority of the members of the House were in the midst of an uproar not of their own making but because a pandemonium was prevailing in the House. If that is so, then the verdict given was not a verdict of the House and, therefore, it cannot be said that the matter has gone out of your hands. When you put the matter before the House you did so in order to get a verdict of a House properly constituted and in a position to give a calm and quiet verdict on the issues that were before the House for consideration. Those circumstances did not exist and, therefore, as I was submitting you can certainly hold that the proceedings from that point onwards, namely, when you put the motion to the House, were absolutely void *ab initio*. If it had been clearly established that the verdict was the verdict of the House then

I admit that my argument will have no value, but although it is somewhat risky I have based my whole point on the decision of the question whether it was really the House that was considering the matter that you put to the House or whether it was only a certain section interested in having that verdict pronounced by you although they themselves were taking part in the uproar and thereby getting from you a declaration that the House had decided that the question should then be put.

Sir, in that view of the matter, all other arguments really lose their force and value. They need not be pressed. One single argument is enough to dispose of the point that the matter is not concluded by the verdict of the House, the verdict—if you call it a verdict at all—the grotesque expression of certain members of the House and not the considered opinion of members of this House. You will consider also in this connection, if you consider that the decision you have given really concludes the matter, then you have deprived those who are not in agreement with you from challenging your decision if you call it a decision at all. Looked at from that point of view also, your decision that the debate had been concluded and that the motion was put to the House should be revised by you, not because you are exercising your power of revision but because what you had done had been done in circumstances which rendered your decision or your pronouncement, Sir, utterly untenable from the point of view of constitution and also practice.

Sir, the matter is of great constitutional importance. The rights and privileges of members of this House are to be decided by the view you take of the matter now that is before you for consideration. As far as can be seen, this question is not concluded by your verdict and you have to decide and give your decision which will be a precedent for future Speakers and I submit most respectfully that the best way to approach a solution of the question would be by beginning as I have submitted from where the whole trouble began whether really when you put the question you were putting it before the House which was prepared to receive your decision or whether you did put that matter before the House at a time when the House was not strictly speaking properly constituted. Some of the members were in the midst of an uproar—they really deplore the uproar—but all the same they were in the midst of an uproar and many of them did not even hear you when you put the question in the House. It is a question of fact and you must have noticed yourself that the circumstances were such that it was not humanly possible for persons sitting far away from you to hear exactly what you were telling the House. Take a hypothetical case. Supposing there are 200 members in the House and you put a question to the House for some reason or other 50 members are not in a position to hear what you have said. I submit, Sir, it cannot be said that the matter was being properly put before the House. Therefore, if I am right, and I submit I am right, the motion you put before the House was *ultra vires* and everything that has followed is null and void. You have, therefore, deprived members even of their privilege but you will be perfectly within your rights as Speaker to hold whether that decision was properly given. Lastly, look at it from the practical point of view. If you hold that the debate is ended, you shut out the expression of opinion of at least three important leaders of the three important parties of the House. If you are determined to close the debate it would mean that some important members will be deprived of making their speeches. That may be entirely insignificant considered with the importance of the matter but having regard to the fact that we have allowed the discussion to go on for so many days I hope you will not grudge a little time that will be taken by important leaders of important groups and an opportunity to express their views on such an important matter. Judged from all points of view I submit that we can reasonably ask you to hold that your decision that the closure motion had been carried should be revised and that you should hold that the matter should begin from the point where you left it when you put the closure motion. And

it is open to the House to resume the thread of the debate at the time when the disturbances arose. I hope I have been able to put my points as clearly as possible——

Dr. NALINAKSHA SANYAL: The Governor is coming.

Mr. A. K. FAZLUL HUQ: I am not in the least concerned with the Governor or anybody else.

Dr. NALINAKSHA SANYAL: But he is interested to hear Mr. Suhrawardy and they want him.

Mr. A. K. FAZLUL HUQ: But that does not matter. I am concerned only with my Speaker and I am concerned with my rights and the rights of the House. I hope you will give your decision on this momentous question after having taken all the facts placed before you into your consideration.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. Speaker, Sir, I would like to assure you that it is with the greatest reluctance that I take part in this discussion today——

Dr. NALINAKSHA SANYAL: Sir, what is the subject matter which he is speaking on?

Mr. SPEAKER: Order, order. Don't disturb him.

Dr. NALINAKSHA SANYAL: Sir, I want to know what he is speaking about, and this side of the House——

Mr. SPEAKER: Order, order. You know perfectly well the point on which he is speaking.

Dr. NALINAKSHA SANYAL: I do not know. In case any assistance is needed by you——

Mr. SPEAKER: I do not want your assistance. If you rise again I will take drastic action against you. Yes, Mr. Suhrawardy.

The Hon'ble Mr. H. S. SUHRAWARDY: I submit, Sir, that the amount of time that has been spent on the floor of the House in assisting you has been spent not in the *bona fide* desire of assisting you at all but for the purpose of obstructing the business of the House. (Interruption.) If I speak today it is for the purpose of placing on record the event which transpired on the 25th May and which appears to have been doubted and even denied. Sir, there were actually 4 motions before the House for consideration: viz., (1) should the Bill be circulated for eliciting public opinion, (2) should it be referred to a Select Committee, (3) should it be referred to a Committee of the whole House or (4) should the Bill be taken into consideration? Sir, this Bill has been before the public for over 10 years now; (Cries of "Question, question" from the Opposition) in the present form more or less it has been before this House since 1940. There has been considerable debate in regard to this Bill and its predecessors and in this House itself the debate lasted for full 9 days on the present occasion.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. May I have your permission to enquire through you whether the Hon'ble Minister is speaking on a debate on the Bill or the amendments moved in connection therewith or on the closure motion or on the points of order raised in connection therewith? So far as I see he is dealing with the Bill and its character. If this is permissible, then we crave your indulgence to allow us to speak and expose the hollowness of the arguments he has put forward which are utterly untenable and irrelevant.

Mr. SPEAKER: Dr. Sanyal, there have been discussions on the closure motion and matters of this description have been brought out in connection therewith. I hope Mr. Suhrawardy will not dilate on that point. He is only making a passing reference.

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir. As I have stated the Bill has been discussed for full 9 days on the floor of the House or rather the motions for circulation and for reference to Select Committee have been discussed for 9 days on the floor of the House and 46 members rose one after the other to speak on this Bill.

Dr. NALINAKSHA SANYAL: Out of 250 members!

The Hon'ble Mr. H. S. SUHRAWARDY: Now, thereafter an agreed list was placed in your hand—an agreed list of speakers—signed by the whips of both the parties. Most disingenuously it has been argued by Mr. Syamaprasad Mookerjee that this agreed list did not signify any agreement on the part of any one to allow any on that list to speak. The list was signed by the whips of both the parties, by the whips of the Opposition and the Government Party meticulously followed——

Dr. NALINAKSHA SANYAL: On a point of order, Sir. I would respectfully submit that you remember that with reference to the business of the House the position of whips is entirely different from what my esteemed friend is seeking to interpret. The Whips help the Speaker and beyond that there is no recognition for them and no comment on the actions of the whips can be made on the floor of the House. If that is done I would crave your indulgence to permit us to explain under what circumstance the agreed list was drawn up.

Mr. SPEAKER: Dr. Sanyal, he is only making a statement of facts, but I should tell you, Mr. Suhrawardy, at once that the arrangement for the last day does not bear the signature of the whips. Therefore it is not a fact.

The Hon'ble Mr. H. S. SUHRAWARDY: I am extremely sorry. But so far as my recollection goes——

Mr. FAZLUR RAHMAN: I do not know which list does not bear the signature. As a matter of fact the approved list bears the signature of Dr. Sanyal.

Mr. SPEAKER: Mr. Fazlur Rahman, the list that is with me, I will deal with that subsequently. But I think it does not bear any signature.

Mr. FAZLUR RAHMAN: Sir, it bears the signatures of Dr. Sanyal and myself.

Mr. SPEAKER: I am not sure if there is any signature on it. I will look into the matter later on.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, it is a matter of recollection. So far as I remember—and I think you will refer to the proceedings of that day—you stated from the Chair that a list containing the name of the Hon'ble Mr. Tulsi Chandra Goswami had the signatures of both the Whips and that that was enough for you.

Now, Sir, it had also been decided and agreed upon by both sections of the House that the debate would be closed on that day and that we should proceed to voting. Then, Sir, when the Hon'ble Mr.. Goswami rose to speak, an incident—a most shameful incident—occurred on the floor of the House.

Dr. NALINAKSHA SANYAL: A perfectly parliamentary incident.

Mr. SPEAKER: Order, please.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. Goswami had been challenged in the course of the debate to express his views——

Dr. NALINAKSHA SANYAL: A traitor!

Mr. SPEAKER: Dr. Sanyal, I will not allow this sort of running comment. It is not proper.

Dr. NALINAKSHA SANYAL: I would not have done it but for the adjectives used by the Minister himself.

Mr. SPEAKER: Will you sit down? If you rise again like this, I will have to take very serious step against you.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I will repeat that in the course of the debate the Hon'ble Mr. Tulsi Chandra Goswami had been challenged to express his views. The other side of the House should have listened to him with patience and should have given him full opportunities to place before this House and before the public why he was supporting the Government in this measure. I believe, Sir, that the Opposition dreaded the dignified and able exposition of Mr. Goswami,—(Cries of "Oh, "Oh" from the Opposition Benches.)—his measured and convincing language. They dreaded that he would place before the House and before the country a viewpoint which would make for peace and harmony, a viewpoint which would cut the ground from under the feet of those members of the Opposition—(Loud noise from the Opposition Benches)—(MR. KIRAN SANKAR ROY: Why does he not issue a statement?) who were utilising the Secondary Education Bill to arouse communal passion. (Mr. ATUL CHANDRA SEN: Nonesense!) The Speaker and the Chair were grossly insulted and the House resembled a bedlam in which one section of the inmates seemed to have lost all self-restraint. It has been suggested by certain members on the other side that both sides of the House were in an uproar. That is not true. All the uproar, all the interjections, all the opposition, and all the interpellations came from the other side of the House.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Our rules do not permit any reflection on a member, far less on the Speaker. The member speaking now has said that certain observations of yours are not true. I would submit that under our rules he is not entitled——

Mr. SPEAKER: Order, order. He has not done that. That is a frivolous point of order.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, if you intervened in the debate at that time it was to uphold the prestige of the Chair and the dignity of the House. Thereafter, Sir, the closure was moved. The right of free speech—the right which the members of the Opposition ought to have upheld—that right was denied to a member of this House, and there was no alternative to us but to move the closure at that time. You, Sir, considered the matter very carefully. Your ruling was not passed without deliberation, without concentration and without an appeal to the Opposition to allow Mr. Goswami to proceed; and having considered the matter very carefully you came to the conclusion that the closure should be put, and you accordingly put the closure motion before the House. (Dr. NALINAKSHA SANYAL: Question!) Then, Sir, after the closure was put you declared in the usual form in the midst of considerable noise from the Opposition. "I think the 'Ayes' have it".

Mr. A. K. FAZLUL HUQ: Sir, may I intervene for a moment? I hope the Hon'ble Minister will not be needlessly provocative. If he is on the war path, let him remember that there are members on this side who can give him his due.

The Hon'ble Mr. H. S. SUHRAWARDY: Thereafter, when you thought that the "Ayes" had it, you proceeded to declare that "the Ayes have it". (Loud noise from the Opposition Benches.)

Dr. NALINAKSHA SANYAL: An untruthful statement!

The Hon'ble Mr. H. S. SUHRAWARDY: This statement of mine is borne out by the proceedings of the House. I have examined the proceedings and how the proceedings are taken down, when the Speaker declares a motion carried. The proceedings show that the House agreed to it. I would be prepared to admit to the Opposition that they did not hear what they were determined not to hear, but we, Sir, on this side of the House, heard it because we had moved the closure motion. (Dr. NALINAKSHA SANYAL: By imagination.) We were anxious to know what the decision was going to be. We were straining our eyes and our ears to the very end. (Interruptions.) Sir, you will recall the applause from this side of the House which greeted your decision. Thereafter, I would ask you to recall what you did. You rose in your Chair and then called upon your Secretary to hand over to you certain papers. We take it, Sir, that the papers which were handed over to you by the Secretary contained the motions which you intended to place before the House. You took the papers in your hands and when you proceeded to put the motions before the House, there was a rush for the Chair. At that time, if you remember, Sir, you were on your legs and you had risen in order to put the motions before the House. These are facts which we recall—incidents every item of which is imprinted in our mind. We were watching you very carefully. And then, Sir, perhaps overawed by the number of persons that approached the Chair or apprehending scenes of violence, perhaps also annoyed by the very vituperative remark addressed to the Chair, you adjourned the House for a short time. These are facts which every one (Dr. NALINKSHA SANYAL: Challenges) saw for himself—every one whose eyes and ears and whose heart were not closed to receive the truth. Now, Sir, what possibly remains to discuss or reopen? It has been stated that you should not have put the closure motion before the House. Sir, our contention is that it is not open for any one to challenge your deliberate decision. Our contention is that once you have placed the closure motion before the House it is not open to any one to say that this should be reversed. Our further contention is that the closure having been declared to be carried it is not open to any one to reopen the decision of the House.

Sir, I will cite such precedents as are available to us. Mr. Syamaprasad Mookerjee has in a very eloquent address attempted to prove that in certain circumstances, the Speaker instead of putting the motion to vote, instead of taking steps to ensure order and the dignity of the House, adjourned the House. I do not deny, Sir, that the Speaker has the right to do so. We do not challenge also that you have at times adjourned the House in the hope of bringing peace and order, but there are times, Sir, when the dignity and the credit and the honour of the House require that you should take sterner steps. Dr. Syamaprasad Mookerjee, I admit, Sir, has proved himself to be an authority on disorderly scenes in disorderly Houses. (Sj. NARENDRA NATH DAS GUPTA: You have also done that.) True, Sir, that his speech was liberally larded with invectives which Mr. Mookerjee in his innocence conceives to be parliamentary retorts. True, Sir, that he outstripped all his previous performances in the histrionic art and in burlesque-attitudinizing. At the same time, Sir, he did not give any instance whatsoever of the many number of times in which it has been the painful duty of the Speaker to take drastic measures. If his arguments are to be carried to their logical conclusion it would appear that if there is disorder on one side of the House, if the Opposition is determined to obstruct, if the Opposition is determined to see that Government business is not carried on, if the Opposition is determined to frustrate the legislature, then the Speaker has no alternative but to adjourn the House: that the Speaker is nothing else but an automaton, that the Speaker has no power to enforce order or to control (Rai HARENDRA NATH CHAUDHURI: That was not the point.) or to carry on the work of the legislature——(Dr. SYAMAPRASAD MOOKERJEE: I have never said that.), that the Speaker must not name any one, that

the Speaker must not utilise the police, (Mr. KIRAN SANKAR ROY: Bring your police.) that the Speaker must not even come to a decision (Dr. SYAMAPRASAD MOOKERJEE: You refused to go out in September, 1942.) Mr. Mookerjee will keep quiet. We heard Mr. Mookerjee with very great patience.

Dr. SYAMAPRASAD MOOKERJEE: You were not in the House.

The Hon'ble Mr. H. S. SUHRAWARDY: Oh, no, I was here. I heard him, I saw his attitude and I saw the exposition of his histrionic art.

Dr. SYAMAPRASAD MOOKERJEE: And you are trying to imitate very poorly.

Mr. JOGESH CHANDRA GUPTA: On a point of order. Mr. Suhrawardy has been saying that our argument has been that the Speaker is estopped from naming anybody or getting the police. I think he by his own conduct is estopped from saying that because he refused to leave the House when named by the Speaker.

Mr. SPEAKER: That is not a point of order.

The Hon'ble Mr. H. S. SUHRAWARDY: And further, Sir, that the Speaker under such circumstances must not come to a decision whether there has been a sufficient debate or not, that the Speaker must not put the closure motion. In fact, the Speaker must abdicate and allow the Opposition to obstruct (Rai HARENDRA NATH CHAUDHURI: Nobody said that nonsense.) That is the only logical conclusion of the arguments of Mr. Syamaprasad Mookerjee that if there is obstruction the Speaker must adjourn the House and he must go on adjourning the House in order that the Opposition and the Government must come to an agreement some time or other and until the Government and the Opposition come to an agreement on the Bill itself and as long as the Opposition goes on obstructing the Speaker must go on just adjourning the House day after day.

Dr. NALINAKSHA SANYAL: That is parliamentary democracy.

Mr. SPEAKER: Do not interrupt him, please.

The Hon'ble Mr. H. S. SUHRAWARDY: I never heard of such a travesty of parliamentary procedure.

Rai HARENDRA NATH CHAUDHURI: In your colossal ignorance you have not heard that. Educate yourself better.

The Hon'ble Mr. H. S. SUHRAWARDY: I put it to you, Sir, and I submit to you that the event that occurred on that day gave you no other alternative but to put the closure motion. (Dr. NALINAKSHA SANYAL: At the dictation of the Leader of the House.) There was no question of dictation. There was full deliberation by you; there was full discussion by you. Sir, we honoured the agreement but they did not hear one of our speakers. (Cries of "no agreement" from the Opposition Benches.) The speakers rose from the Opposition whose speeches, whose very presence, whose exposition of the Secondary Education Bill itself were nauseating (Cries of "oh, oh" from the Opposition Benches) and yet they were allowed to speak. There were persons who spoke without any limit of time. You gave them full liberty and there were people who even took 80 minutes to deliver themselves of their agony. (Mr. SANTOSH KUMAR BASU: How many minutes were you in the House? Not even 8 minutes.)

Now, Sir, what should the Speaker have considered. I refer you to Lord Ullswater's note at Volume II of his commentary at page 28. "The granting or withholding of the closure" he says "is another source of considerable anxiety to the occupant of the Chair. Have the Opposition had a full opportunity of stating their case?" Here, Sir, already 46 members

have spoken. The leaders, they said, had not spoken. The Leader of the Opposition, the leader of that conglomerate body which goes by the name of Opposition, had spoken on behalf of the Opposition for 80 minutes. Then, Sir, note the next criterion. "Have they made the best use of their opportunity?" That has also to be considered. If they did not speak and if they had put up persons and men whom they want to designate today as persons of no consequence (Rai HARENDRA NATH CHAUDHURI: Nobody said so) whose speeches did not express the viewpoint of anyone, then it is their fault. They had ample opportunity for nine days to deliver what they had to say. Is there anything more which could be usefully said after these members had gone over the same ground over and over again? Sir, you had given them the fullest opportunity to indulge not only in irrelevancies but in repetitions. The next point is "has the subject received its full quota of time in view of the total amount of time available for discussion?" Can anybody deny, Sir, that nine days' discussion on the motion for circulation is not deemed to be the full quota of time? "These and similar problems present themselves to the Speaker——

Dr. NALINAKSHA SANYAL: Read the next sentence.

The Hon'ble Mr. H. S. SUHRAWARDY: I can read the whole thing if you like, but there is nothing further relevant and I will not be dictated by Dr. Sanyal.

Sir, I would give you another instance from Hansard at Volume 79——

Dr. NALINAKSHA SANYAL: What page do you refer to?

The Hon'ble Mr. H. S. SUHRAWARDY: Will you please keep quiet? I will give it in my own time.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. If any printed record is to be referred to, the House is entitled to know the reference of it—wherefrom he is quoting, what is the actual volume, what page, etc. It certainly does not lie in the mouth of an uneducated Minister who does not know the practice of Parliament to ask another member educated in parliamentary practice to stop.

Mr. SPEAKER: Will you please resume your seat? As far as I remember he gave this reference. Did you give this reference, Mr. Suhrawardy? (Cries of "No, no" from the Opposition Benches.)

The Hon'ble Mr. H. S. SUHRAWARDY: As a matter of fact I did refer to the volume but not to the page. At that stage it was not necessary for me to do so. I will proceed in my own way.

This point refers to the case when the Speaker did not make up his mind as to whether there had been a sufficient debate. It was held that it was not necessary for him when moving the closure to make up his mind whether there had been a sufficient debate or not, and he left it to the House to decide. I read, Sir, volume 89 at page 1389.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. The Hon'ble Minister previous to this referred to volume No. 79. May I know which is correct—89 or 79?

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. Yoxall said "I beg to move that the question be now put." "Mr. Speaker: The motion of the honourable member places me in a position of considerable difficulty and having regard on the one hand to the shortness of the debate"—on that occasion the debate had been short whereas here the debate has been long "and the importance of the question"—I take it that on both the occasions the question is important—"and on the other hand, to the length of the time the measure has been before the country and the extent to which it has been

discussed inside and outside the House"—and there can be no doubt about it that this Bill has been discussed very sufficiently outside the House——

Dr. NALINAKSHA SANYAL: Sir, it is very difficult to understand which portion of his speech is quotation and which portion is his own observation.

Mr. SPEAKER: He must follow his own course of argument. You cannot dictate. He is reading some portion and making his comments thereon. He has got every right to comment and he is doing that.

Dr. NALINAKSHA SANYAL: I am only seeking light from you on this point as to which portion is his quotation and which is his observation, so that we can know the situation.

Mr. SPEAKER: I think he is doing the right thing. He cannot help every member to understand his argument. (Laughter from the Ministerial Benches.)

Dr. NALINAKSHA SANYAL: Are you understanding?

Mr. SPEAKER: I am following him closely.

Dr. NALINAKSHA SANYAL: The super-intelligent Parliamentary Secretary there is understanding everything.

Mr. SPEAKER: Order, order.

The Hon'ble Mr. H. S. SUHRAWARDY: "Mr. Speaker: On the whole I have come to the conclusion that the proper course for me to adopt is to leave the House to decide the question". In this matter, Sir, he did not even make up his mind whether there has been a sufficient debate. "The question put, 'that the question be now put'. The House divided. Ayes 231; Noes 184 (Division List No. 18)".

Now, Sir, what are the duties of the Speaker and his rights regarding closure? I will suggest this that the Speaker not even put the closure motion to the House. The Speaker, if he so wishes to close the debate, can do that without putting the motion to the House.

Sir, coming nearer home I would place certain Assembly Proceedings before you. At volume 57, No. III, page 82, Dr. Sanyal on this point said as follows:—

> May I submit in this connection, Sir, that on this point it is entirely within your power to decide whether there was sufficient debate or not——

Rai HARENDRA NATH CHAUDHURI: Who ever denies that?

The Hon'ble Mr. H. S. SUHRAWARDY: You had on that occasion exercised your discretion and allowed the matter to be decided by the vote of the House but you could have even without the vote of the House decided at that moment. The point is that Dr. Sanyal has raised a question which was accepted by the Speaker that even without the vote of the House it was open to you to declare a closure. The Hon'ble Khwaja Sir Nazimuddin then intervened, "Under what rule?" Mr. Speaker then said, "That matter does not require any rule. The Speaker has inherent power to close a debate in order that the debate might not be continued for days together with a view to defeating other resolutions." And accordingly, Sir, it was put to vote.

Now, Sir, on another occasion Mr. Santosh Kumar Basu submitted to the Speaker his points which are to be found on p. 349, Vol. LVII, No. 1, to the following effect: "Sir, so far as the closure motion is concerned, you are to decide whether there has been a proper debate on the subject under discussion. Now this matter has been before the House for the last

two hours and a half". Sir, it was then too long for Mr. Basu and members of his group for a debate to continue for two hours and a half.

Mr. KIRAN SANKAR ROY: What was the subject?

The Hon'ble Mr. H. S. SUHRAWARDY: It was a non-official resolution. Mr. Basu then continued as follows:—"I submit that you are to decide the question purely on the issue as to whether there has been a proper and full debate." Then the Speaker remarked as follows:—"I do realise it and I am willing to accept that there has been a full debate after it has been continued for two and a half hours. After that my function ceases and I will have to put it before the House to decide the question." Thereupon Mr. Santosh Kumar Basu said, "Sir, let the House decide and the responsibility will be theirs". In that case, Sir, the House decided and the responsibility was of the House.

I may also point out to you how it is not open to any one even to challenge your decision to put a closure motion. I refer to "Selection from the decisions of the Chair," produced by the Central Legislative Assembly. If you look at pages 108-09, on the third reading of the Drugs Bill a member referred to the fact that during the discussion on the consideration motion certain members of the Treasury benches moved the closure a bit too early and proceeded to comment on it, when the President observed, "The honourable member is really not in order in discussing the closure. The closure motion has to be accepted by the Chair and the Chair does not accept any closure that is moved unless it is fully satisfied that there has been a sufficient debate and once it is accepted it is not open to any one to discuss it. My own opinion is that Government did not move the closure too soon and that there had been a full debate before it was moved."

Then, Sir, there is another instance. On a motion for closure being put, a member wished to make a statement that the debate should be allowed to proceed a little longer. The President observed, "The honourable member knows or ought to know that when a motion for closure has been put, it is decided without debate, argument or appeal of any kind." I think this should suffice so far as any attempt to dispute that the closure cannot be put is concerned. On p. 314 in May's Parliamentary Practice, 12th Edition, the following lines occur: A closure motion may therefore be sanctioned by the Chair either immediately upon or within a few minutes after a proposal of the question to the House. In the discharge of his duties the discretion of the Chair is absolute and is not open to dispute."

Thereafter, Sir, after the motion was put to the House, I submit to you that what occurred constitutes an obstacle which it is impossible for the Opposition to surmount. A decision of the House has been taken. (Cries of "Question, question" from the Opposition benches.)

Mr. A. M. A. ZAMAN: On a point of order, Sir. উনি যে সব নজীর দেখালেন closure motion সম্বন্ধে তার একটা নজীরও খাটলনা।

Mr. SPEAKER: That is no point of order.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, there are two ingenious arguments which have been placed before the House. One is a suggestion about a question of fact, and another point is that all proceedings are void *ab initio* if you hold today that you should not have put the closure motion. I submit that once the House has come to a decision, all previous irregularities become the decision of the House and cannot possibly be challenged. In this connection, Sir, I will place before you certain proceedings for your consideration. The second point on the question of fact which has been suggested to you is this that you did not place the matter before the House twice, that you only uttered the formula once and not twice, that you should be pleased to hold that you did not finally declare that the House had carried it. I submit, Sir, and I do hope that you will not fall into the trap which has been laid for you.

In this connection, Sir, I may also refer to another argument with which you have been assailed that if there is confusion you cannot put a motion before the House. Sir, I refer you to our Assembly proceedings, Vol. LVI, No. 3, p. 94, and on that occasion when the Hon'ble Sir Nazimuddin was speaking, this is what occurred:—

"THE HON'BLE KHWAJA SIR NAZIMUDDIN: So far as this question is concerned (thumping of tables and stamping of feet from the Opposition benches, so that the Hon'ble Home Minister's speech was drowned, this continued for some seconds).

"MR. SPEAKER: Dr. Sanyal, it is my painful duty to warn you that you are obstructing the proceedings of this House and the next time you do that I shall be under the painful necessity of taking action which I have got under the Legislative Assembly Rules.

"(Clapping on benches continued.)

"(The Hon'ble the Home Minister again attempted to make himself heard but table-thumping drowned his voice.)"

Then Mr. Speaker adjourned the House with these remarks: "It is now about prayer time. I think that it is impossible for any one to speak in the present temper of the House and I have now to get control over the situation that has been repeatedly going on. I make it absolutely clear that in a matter like this I should try for a settlement, if possible. I think that at least a certain time of the recess should be given to the Speaker with a view to arrive at a settlement of this affair. It seems to me that a certain section of the House is determined to carry on the proceedings of the House according to their own wish. The House will be absolutely stultifying itself if that is tolerated. I am not going to do this. I will try once again whether the matter can in any way be settled amicably by different sections of the House. I, therefore, adjourn the House for the time being because the prayer time is coming about eight minutes after and after adjournment if this thing persists, I will have the painful necessity to take such action which I think necessary and which I have got under the Assembly Rules." The House was then adjourned for 28 minutes, and the members came back after prayer. There was table-thumping again. (DR NALINAKSHA SANYAL: What was the occasion?). Demand for grant.

Mr. Speaker had to name several members, viz., Mr. Kiran Sankar Roy, Mr. Narendra Narayan Chakrabarty, Mr. Surendra Mohan Moitra, Mr. Khagendra Nath Das Gupta, Mr Haripada Chattopadhyay, Mr. Dutta Mazumdar, and Mr. Sasanka Sekhar Sanyal. Mr. Speaker said, "As it is impossible for the Home Minister to speak, I will put the motions to vote."

"The question before the House is the motion of Mr. Khagendra Nath Das Gupta, namely, that the demand of such and such be reduced by Rs. 100." "(The question being put the Speaker declared 'I think the Noes have it upon which a division was demanded'.)"

Mr. Ahmad Hossain rose on a point of order, and Mr. Speaker ruled that the members who had been named were not entitled to vote in this division. Then a division was taken.

You will see that all this took place while there was noise; there was table-thumping and there was disturbance all the time and nobody could hear what was going on. I would like you to recall, Sir, if you were a member of this House and if you were in this House at that time, that in spite of all noise that was created by the Opposition at that moment, Mr. Speaker went on with the business of the House, put the motions before the House and spoke through the microphone and continued to speak and continued to get the motions carried. Everyone remembers this. Thereafter Mr. Sarat Chandra Bose objected to the proceedings and in the end you will find him, at page 100, saying, "May I tell you, Mr. Speaker, that I consider your order to be entirely irregular." The motion of the Hon'ble Khwaja Sir

Nazimuddin that so much and so much be granted for such and such expenditure was then put and carried in the midst of shouts and table-thumping from the Opposition benches. Therefore, Sir, you will see that the business of the House cannot remain suspended merely because the Opposition choose to indulge in catcalls.

At page 190 you will find the proceedings of the day were discussed and you will see there that the question that was raised was that the proceedings of the 6th March were irregular and entirely illegal. This is what the Speaker said, "An honourable member representing Calcutta East General Constituency raised a point of order yesterday about the legality of the proceedings of the 6th of March last. His conclusion was that the proceedings of the 6th March were entirely irregular and entirely illegal, and as such he asked me to take suitable steps so that this grave irregularity and illegality might be mended even at this stage. I have very carefully considered the matter in the light of the provisions of the Government of India Act, the Assembly and the Governor's Rules, and I find I have no power to rectify the proceedings of the Assembly in the manner contemplated by the honourable member". You will see that the Speaker has no power to rectify the proceedings of the Assembly. At that moment, however, the Budget discussion itself was at an end, and he could not in any event open the discussion. But this ruling has its force on account of the main principles underlying it namely that it was not because it was a Budget discussion that the proceedings could not be reopened but because it was a decision of the House. Mr. Speaker says: "Even if it be conceded for the sake of argument that the proceedings of the day were illegal or irregular, I have absolutely no power to reopen the question". He says, "After once declaring the motion to be carried, I cannot assume by any stretch of argument or imagination that the motion is still before the House. If there was any illegality or irregularity as is contended by the honourable member, it remains there, until and unless the House is again in possession of an appropriate and fresh motion in the form of a demand for grant to be submitted to the vote of the Assembly". So, the motion had been put before the House and the matter was closed and there was nothing else which the Speaker could put before the House.

Then, Sir, Mr. Syamaprasad Mookerjee has referred to two incidents of 1911 and 1912 in the House of Commons. There the Speaker adjourned the House from time to time, and I understand that there was an agreement thereafter between the Opposition and the Government benches. We would always welcome such a thing. We are always anxious to come to an agreement. (Dr. NALINAKSHA SANYAL: Don't talk nonsense.) There are limits to one's patience and a time must arrive when the dignity of the House must be vindicated by you, Sir, and the work of the Legislature must not be frustrated. It is no use begging the suggestion that it is open to the Opposition to go on frustrating the business of the Legislature and the work of Government by continued opposition.

Sir, I will refer you, if necessary, to certain other proceedings where actions were taken by the Speaker to bring matters to a proper conclusion. (Interruptions.) It appears from the proceedings of Parliament in 1881 that a closure motion was put for the first time by the Speaker himself in order to thwart the obstruction by the Opposition. That remains, I believe, the foundation of the powers of the Speaker, and thereafter the power of closure motion has been specifically included in the rules.

I would refer you to a book, Procedure of the House of Commons by Redlish, at page 156 onwards. I hope, Sir, that the manner in which Mr. Brand, the Speaker of the House of Commons has been designated will also apply to you. "Long proved as a Chairman of equal impartiality and energy, he embodied the great tradition which had raised his office on high for generations. In the prime of life and standing on the solid ground of long-established Parliamentary authority, he had soon arrived at the clear

conviction that obstruction must now be overthrown at any cost". There comes a time when the patience of angels is exhausted. "And further it was no longer possible to postpone a radical reform in parliamentary procedure. It was no small thing that he undertook. It was not only that there was a certainty of breaking the letter of the rules; it was also necessary to provide for the introduction of a far-reaching reform which should meet the exigency of the situation and be at the same time of permanent application. It was no doubt true that in the actual circumstances the spirit of parliamentary government from which every system of rules must draw its inner strength would be better expressed by the exercise of the closure than by permitting a systematic misuse of the traditional forms of business" as has been going on here—"or at all events it would be better protected in this way; but, on the other hand, it was equally plain that a dictatorial course of action would in itself constitute a weighty precedent." This was at a time when there was no motion for closure before the House and the Speaker moved it for the first time himself and now, Sir, the position is very much stronger when the power of putting the closure to vote has been placed deliberately in the hands of the Speaker. "Monday, January, the 31st—the House was boiling over with indignation at the apparent triumph of obstruction and Mr. Gladstone yielding to the pressure of his friends committed himself unwisely, as I thought, to a continuous sitting on this day in order to force the Bill through its first stage. On Tuesday after a sitting of 24 hours I saw plainly that this attempt to carry this Bill by continuous sitting would fail, that party—the Parnell Party—being strong in numbers, discipline and organisation and with great gift of speech." I do not know, Sir, who is Parnell in this place. Certainly it is a fact that the honourable members of the Opposition with great gift of speech have also great gifts of interpellation and opposition. "I reflected on the situation and came to the conclusion that it was my duty to extricate the House"—you will remember, Sir, the duty of the Speaker, namely, to assert the power of the legislature—"from the difficulty by closing the debate on my own authority and so ascertain the undoubted will of the House against a rebellious minority. I sent for Mr. Gladstone on Tuesday" and so on and so on. It is a very long address and he put the motion to the House and this is what he stated at the time when he gave, what is called, his memorable address: "The motion for leave to bring in the Protection of Person and Property (Ireland) Bill has now been under discussion for about five days".—that was considered to be a long time—"The present sitting having commenced on Monday last at 4 o'clock has continued until this Wednesday morning, a period of 41 hours, the House having been frequently occupied with discussions upon repeated dilatory motions for adjournment. However prolonged and tedious these discussions, the motions have been supported by small minorities in opposition to the general sense of the House. A crisis has thus arisen which demands the prompt interposition of the Chair and of the House. The usual rules have proved powerless to ensure orderly and effective debate. An important measure recommended in Her Majesty's speech nearly a month since and declared to be urgent in the interests of the State by a decisive majority is being arrested by the action of an inconsiderable minority, the members of which have resorted to those modes of obstruction which have been recognised by the House as a parliamentary (Cries of 'hear, 'hear' from the Opposition benches) offence (Laughter from the Government benches). The dignity, credit and authority of this House are seriously threatened and it is necessary that they should be vindicated. Under the operation of the accustomed rules and methods of procedure, the legislative powers of the House are paralysed. A new and exceptional course is imperatively demanded and I am satisfied that I shall best carry out the will of the House and may rely upon its support if I decline to call upon any more members to speak and at once proceed to put the question from the Chair. I feel assured that the House will be prepared to exercise all its powers in giving effect to those proceedings. Future measures for ensuring orderly debate I must leave to the

judgment of the House, but I may add that it will be necessary either for the House itself to assume more effectual control over its debates or to entrust a greater authority to the Chair."

Then, Sir, there were questions of privileges and rights, there was a considerable amount of obstruction and the Speaker held that it was a question of privilege—it was a point of order. Mr. Gladstone rose. The Speaker thereupon rose and Mr. Gladstone sat down and Mr. Dillon, of whom probably there is a feeble counterpart in this House, also rose while the Speaker was on his legs. The Speaker then called upon Mr. Dillon to sit down. Mr. Dillon did not give way and he cried out for liberty of speech. "A scene of unexampled confusion and excitement followed. Mr. Gladstone and Mr. Dillon were on their legs at the same time; but while the former gave way on the Speaker rising, Mr. Dillon still remained standing. There were loud cries of 'name him' while the Irish members cried 'point of order' and at last the Speaker in the terms of the Standing Order said 'I name you, Mr. Dillon, as wilfully disregarding the autohrity of the Chair'."

Now, what happened thereafter was this. I think, Sir, it was in 1881 that a very large section of the House was forcibly removed from the House, persons were named one after the other who refused to go, (Dr. SYAMAPRASAD MOOKERJEE: As you did.) the Sergant-at-Arms was beckoned.

Sir, references and interpellations are always made regarding the incidents of September 30th, 1942. I am not unmindful of it, Sir, and I shall refer to it. I will tell you and I will point out definitely to the House and to those members, as I have said, whose ears and whose eyes and whose hearts have not been closed to receive the truth,—I shall point out to them the difference between what was the condition then and what was the condition now. Before I refer them to 1881, 1882, 1901 and to those incidents when the Speaker had to intervene for the purpose of removing the members bodily from the House through the Sergeant-at-Arms, through the messengers and even through the police, I shall refer to the incidents of the 30th September, 1942. Sir, what took place on that day? A certain motion was tabled which introduced absolutely new points which had not been raised in the previous motion which had been moved by Government itself. The motion was moved by a member of the Government Party. It was a long motion. It introduced entirely new points and new principles and we who were in the Opposition saw that motion for the first time when we entered the floor of the House and found it placed on the table. That was the position. There had been no debate on it. It was entirely a new motion. We were entitled to notice and all that I asked for at that time was "Give us time for half an hour to sit down together to make up our mind as to what we should do" and that time was not given to us. Mr. Syamaprasad Mookerjee stated that the House was adjourned at my request. It was not so. I distinctly remember that I asked for that and when it was not adjourned, it was then that I rose and I told the Speaker that he cannot stifle discussion (Rai HARENDRA NATH CHAUDHURI: And went to assault the Speaker). That was the position. So, there is a vital difference between these two cases. Here was a Bill which was being discussed in the House for 9 days and on which 46 members had spoken and persons who wanted to speak were being prevented by members from the other side. They consider this and the other one parallel cases—it is positively absurd. The question before you here was whether there had been sufficiency of debate. That was not the position at that moment when an entirely new resolution in the form of an amendment (Rai HARENDRA NATH CHAUDHURI: In your opinion.) was being foisted upon the House. (Cries of "question" from the Opposition benches.) That was a condition when I think the Opposition was absolutely morally right. (Cries of "Hear, hear" from the Opposition benches and uproar). Will you please keep quiet? Sir, I do not know what the Opposition members are shouting about. (Renewed

uproar.) The Opposition has a right to obstruct. It has never been the claim of this Government and on this side of the House—

Mr. NISHITHA NATH KUNDU: Sir, it is six minutes past 7. How long shall we sit?

Mr. SPEAKER: This discussion cannot be kept pending. I want to have it finished today.

Mr. CHARU CHANDRA ROY: How long shall we sit, Sir?

Mr. SPEAKER: I have already said that I want to have this discussion finished today.

Mr. SANTOSH KUMAR BASU: Sir, as you are extending the time-limit without any agreement on both sides, may I just ask if you are giving any time-limit?

Mr. SPEAKER: I have not prevented anbody from speaking on this motion inasmuch as it affected me personally and I am not going to stop Mr. Suhrawardy.

Mr. CHARU CHANDRA ROY: There are speakers on this side also.

(The Hon'ble Mr. H. S. Suhrawardy rose to speak when there was loud uproar and cries of "adjourn, adjourn" from the Opposition benches.)

Mr. SPEAKER: I am not going to adjourn.

Mr. KIRAN SANKAR ROY: Let us resume tomorrow. We cannot sit any more today.

Mr. SPEAKER: Order, please. Yes, Mr. Suhrawardy (uproar and cries of "no more today", and "tomorrow" from the Opposition benches). As I have said already, I am not going to adjourn.

Mr. KIRAN SANKAR ROY: Why do you keep on saying this?

Mr. SPEAKER: Mr. Roy, if you persist in this way I shall have to take drastic action.

Mr. KIRAN SANKAR ROY: Mr. Speaker, we are prepared to listen to Mr. Suhrawardy but not this evening. Let us adjourn till tomorrow. Then we shall be very glad to hear Mr. Suhrawardy.

Mr. SPEAKER: I quite understand that the Opposition is unwilling to sit any longer, but we have often sat for longer hours. (Cries of "not without agreement" from the Opposition benches.) I would like to see this matter finished today.

Mr. SANTOSH KUMAR BASU: How long will you continue—all-night sitting?

Mr. KIRAN SANKAR ROY: Mr. Speaker, I want to be listened to by you.

Mr. SPEAKER: Yes, I am listening.

Mr. KIRAN SANKAR ROY: Please do. What I am going to say is that whenever extension of time was granted it was done by agreement.

Mr. SPEAKER: I think that the Speaker has got an inherent right to adjourn and not to adjourn. I do not care.....(uproar and table thumping). If things go on in this way I shall have to take drastic steps. (Renewed uproar.) Mr. Haripada Chattopadhyay, your conduct has become grossly disorderly. I direct you to withdraw from the Chamber. Yes. Mr. Suhrawardy.

(Renewed desk thumping.)

Mr. Basu, your conduct is going to be disorderly. Please try to be careful.

Mr. SANTOSH KUMAR BASU: I am careful.
(Desk thumping going on all the time.)

Mr. SPEAKER: Mr. Atul Chandra Sen, your conduct has become grossly disorderly. I direct you to withdraw from the chamber.

Mr. SPEAKER: Mr. Kiran Sankar Roy, your conduct is going to be disorderly.

Mr. KIRAN SANKAR ROY: Your conduct is doubly disorderly.

Mr. SPEAKER: Mr. Roy, your conduct has now become grossly disorderly. I direct you to withdraw from the chamber. (Loud uproar.)

Yes, Mr. Suhrawardy.

(The Hon'ble Mr. H. S. Suhrawardy rose and began to read from a book but on account of the continuous uproar and table thumping by the Opposition members nothing was audible from the reporters' table.))

Mr. SPEAKER: Mr. Kamal Krishna Roy, your conduct has become grossly disorderly. I direct you to withdraw from the chamber.

The Hon'ble Mr. H. S. SUHRAWARDY:

(At this stage there was so much noise and table-thumping from the Opposition Benches that not a single word of the Hon'ble Mr. H. S. Suhrawardy's speech was audible at the reporters' table.)

Mr. SPEAKER: Order, order.

The Hon'ble Mr. H. S. SUHRAWARDY: (Contg.) (Here again on account of the very loud noise and confusion not a single word was audible.)

(At this stage in the midst of uproar and table thumping the House was adjourned till 7-45 p.m.).

(After adjournment.)

(When Mr. Speaker entered the Chamber members belonging to the Congress Block did not rise in their seats.)

Khan Bahadur MOHAMMED ALI: Look at the attitude of the Congress members, Sir. They are not rising in their seats as you enter the Chamber.

(Voices from the Opposition Benches: He does not deserve it.)

Dr. NALINAKSHA SANYAL: Sir, you were pleased to name my leader and certain important members of this party for a particular matter for which we feel very hurt. We respectfully request you to revise your decision because you have raised a tempest over a tea pot. Sir, the only request made by my leader is to let us know as to how long the House is going to sit this evening, or if the Hon'ble Minister in charge of the Civil Supplies Department proposes to continue his speech, to give him an opportunity to speak tomorrow and adjourn the House at the usual time when you have been adjourning every day. I do not know for what new or special circumstances you chose and thought fit to continue the debate today without any agreement with the Opposition. Sir, it is true there have been previously occasions—and even only the other day, day before yesterday, you with the approval of the Government side permitted the debate of the House to continue till 7-45 p.m. Late sitting had not been decided upon by the Government side at first because they were not prepared to sit longer than usual but as an important matter in the shape of an adjournment motion was brought forward by us it was by agreement that the House continued longer. We would most respectfully ask you to revise your decision and withdraw the naming order that you have issued.

Mr. SANTOSH KUMAR BASU: Sir, it was I who first of all raised the question as to how long the House was going to sit and I asked you to give us an idea of the time in absolute humility. You, on the other hand, took that request in an extremely hostile spirit—if I may say so—and from that time you have been conducting yourself in a manner which, I submit, is not consistent with the dignity of the high office you are holding.

Mr. SPEAKER: Will you please resume your seat. I am not going to allow you to speak.

Dr. NALINAKSHA SANYAL: May I ask you to allow him to finish what he has got to say?

Mr. SPEAKER: Please sit down. I am on my legs. I am not going to tolerate this attitude of yours.

Dr. NALINAKSHA SANYAL: You must remember that as a member of this House I have every right to speak and I am also on my legs.

Mr. SPEAKER: Order, order. I am not an ordinary member of the House. I am on my legs and no member has any right to speak now.

(Dr. Nalinaksha Sanyal again rose to speak.)

I am not going to tolerate any more insult to the Chair. (Cries of "Hear, hear" from the Government Benches.) So far as I am concerned I may be driven out from here. That is a different matter altogether. So long as I am in the Chair I will not allow any disrespect to the Chair. It is not a personal question at all. I do not look at it from that angle of vision. I am speaking as the Speaker of the House.

(At this stage Mr. Santosh Kumar Basu rose to speak.)

Order, order. As I have said I am the Speaker of the House and as decorum wants I desire that you, Mr. Basu, should resume your seat when I am on my legs. (Mr. Basu resumed his seat.) That is what I expect of a leader.

I quite understand that there was a request that the House should not sit longer than usual. That was the desire of the Opposition. I also understand that they wanted to know as to how long the House was going to sit. I quite see that, but I was extremely anxious to see the end of the long-drawn discussion on a closure motion. This closure motion terminated on the 25th May last. I allowed discussion. I gave permission to discuss this matter in order to help me to give a decision whether the challenge by the Opposition to the validity of what I did on that day was correct and whether it was desirable that the matter should be reopened.

Now, this cannot be carried on *ad infinitum*. That is what I felt and I thought that the matter would be soon concluded by Mr. Suhrawardy. Of course it would have been desirable—I quite see—that perhaps the Opposition could have been satisfied if they had got an idea about the time that will be taken up by Mr. Suhrawardy. Most probably that would have satisfied them, but my idea was that he would be brief and he would conclude soon. That is why I thought that after speaking so long he would finish very soon. At the same time it was far from my desire to stop him from speaking because I have not stopped any other speaker. That was exactly the thing that I desired. I hope Mr. Suhrawardy will finish in ten minutes' time.

Mr. SANTOSH KUMAR BASU: Sir, may I just say one word. Please allow me to finish the sentence that I started. What I was going to submit was that if you wanted that this discussion should be finished tonight, you could very well within the ambit of your power impose a time-limit upon Mr. Suhrawardy's speech. He has already spoken for about an hour and a half, and he has been reading long extracts from proceedings, from Parliamentary Practice, and from other books. In this way if he continues without any time-limit being put, then he may take the whole night, the Opposition all the time not knowing what was the time-limit for discussion

of this issue. Under the circumstances it was a most legitimate request on the part of the Opposition to you that you should exercise your discretion in imposing a time-limit and adjourn the House till tomorrow. But you did not take that very reasonable request in the spirit in which we responded to the Chair.

Mr. SPEAKER: Mr. Basu, you are again discussing.

Mr. SANTOSH KUMAR BASU: Sir, I am going to make my submission——

Mr. SPEAKER: I am not going to allow it. Will you please resume your seat?

Mr. SANTOSH KUMAR BASU: Not before I make my submission.

Mr. SPEAKER: Mr. Basu, if you——

Mr. SANTOSH KUMAR BASU: Sir, I am not going to defy you.

Mr. SPEAKER: Mr. Basu, I have allowed you sufficient latitude to speak. I have explained myself very carefully. I have asked you to resume your seat. I have nothing more to add.

Mr. SANTOSH KUMAR BASU: Sir, if you impose time limit on Mr. Suhrawardy——

Mr. SPEAKER: I have said, Mr. Suhrawardy would finish in ten minutes' time.

Dr. NALINAKSHA SANYAL: Sir, what has happened to my request?

Mr. SPEAKER: I am not going to hear your request. Will you resume your seat?

Dr. NALINAKSHA SANYAL: You have named my leader——

Mr. SPEAKER: If you do not resume your seat, Dr. Sanyal, I will name you.

Dr. NALINAKSHA SANYAL: What is the harm——(loud noise).

Mr. SPEAKER: Dr. Sanyal has disobeyed my direction. That is a grossly disorderly conduct, and I direct that he should withdraw from the House.

(At this stage there were tremendous noise and demonstrations.)

(Mr. Haripada Chattopadhyay rose and shouted, his voice being drowned in the din and he was joined by Dr. Nalinaksha Sanyal who asked Mr. Speaker to vacate the chair.).

Mr. SPEAKER: I am not going to do it at the behest of Dr. Sanyal.

Mr. SANTOSH KUMAR BASU: Sir, I would request you to adjourn the House today and bring the proceedings to a close. I am making this appeal to you in a spirit of friendliness. But if you think that I defy you, you can name me; you can ask me to withdraw.

Mr. A. K. FAZLUL HUQ: Sir, may I say a few words not to disturb, but to make a suggestion to you. Mr. Suhrawardy in the course of his speech more than once said that in every case the maxim is that the end justifies the means. I am not going to base any argument upon that but what I am submitting to you, Sir, is this. You have already practically decided that this debate should not continue for more than ten minutes. May I suggest that if you look at things from the point of view from which I am looking at them, you will find that there is no derogation to your dignity if you adjourn the House.....(interruption)..... Let me finish. Do not interrupt me.

Sir, you may in your magnanimity adjourn the House and allow Mr. Suhrawardy ten minutes' time tomorrow. It does not matter much if ten minutes' time is taken tomorrow. You can adjourn the House without any detriment to the business of the House. I submit it will not be yielding to anybody, and may I most humbly ask you to withdraw the naming of the members? What I am submitting to you is putting an end to an unpleasant thing. You are above all these things. ("Ha", "Ha" from the Government Benches.) What are all these "Ha", "Ha"? The continuance of the business would not help easing the situation. That shows that they are very jubilant that you have been harsh to the Opposition. That idea should not be allowed to grow. That is one reason why you should adjourn the House and withdraw the naming of the members. Tomorrow ten minutes only may be given to Mr. Suhrawardy.

I submit that you will accept my suggestion. I hope you would look at it from this point of view.

Mr. SPEAKER: I have seen an appeal has been made to withdraw naming, but I would appeal to the Leader of the Opposition to consider whether this naming is in any way unjustified.

(Dr. Nalinaksha Sanyal then made certain remarks to which Mr. Speaker replied that he had not been addressing Dr. Sanyal. Dr. Sanyal then said that Mr. Speaker did not deserve that position.)

Mr. SPEAKER: Mr. Fazlul Huq, you please see the attitude. I also draw your attention to the remark—to the highly objectionable remark—that was made by no less a person than Dr. Sanyal.

(Mr. Haripada Chattopadhyaya then made certain remarks against the Chair.)

Mr. SPEAKER: Mr. Huq, I have seen that you have not got the capacity to control your own men.

Mr. SYED BADRUDDOJA: Mr. Speaker, I most emphatically protest against this remark.

Mr. SPEAKER: I have got the highest regard for you, Mr. Fazlul Huq. You are the oldest parliamentarian here.

Mr. A. K. FAZLUL HUQ: You have made an unjustified remark on me.

Mr. SPEAKER: You are the oldest parliamentarian perhaps in this House.

Mr. A. K. FAZLUL HUQ: It is no use saying that.

Mr. SPEAKER: I appealed to you but you appealed to me first to withdraw the naming without even taking into consideration the unworthy remarks that have been made against the Chair. I may very well deserve it personally and if I deserve it you remove me from here. That is entirely in your hand. I know that your party supported me in my election. I know that thoroughly well and I know also very well that the Government may oppose me if a no-confidence motion is brought against me. I will be very glad to face it and I may go out altogether with the combined vote of the entire House. I do not care a twopence for that. But that is a purely personal affair but the dignity of the Chair is quite a different matter and I always expect that you of all people, the oldest parliamentarian in this House, will try your best to maintain the dignity of the Chair. I repeat if I am unworthy of it I ought to be removed from here. Perhaps it may be that I have been partial though I declare that I have never in my life done anything with a dishonest motive and in conducting the deliberations of this House I have been guided by what I have considered to be best and reasonable and what

my conscience has always dictated. Apart from that I have got nothing to say. If you so like you can remove me from here, but I appeal to you, Government as well as the Opposition, to see that the dignity of the Chair is maintained.

If the Opposition had a little patience then perhaps within 15 minutes' time Mr. Suhrawardy's speech would have been finished. That is exactly what I expected and if it had not been finished then certainly the Opposition Leader or some other member could have risen and said, "Sir, it is getting late. You may now consider whether the House should be adjourned or not". But you have been saying from the very beginning that you have been sitting up to 7 as if you had never sat beyond 7 o'clock. Some of you have said that it was only by agreement that you sat beyond 7 o'clock. Well, as far as I can see this agreement business has brought about this disorder in this House. If I had strictly followed the rules of procedure without having recourse to this agreement, I think there would not have been disorder in this House today. I am convinced about it and I am further convinced that if I remain here for some time I will never treat any such agreement as binding on me. I will give you hearing but I will proceed according to the rules of business framed by this very House and that will be my guide. That is all I propose to do.

Mr. A. K. FAZLUL HUQ: Sir, let me make it absolutely clear to you that you have most unwittingly perhaps wounded my feelings most deeply. (Interruptions from Coalition benches.) Sir, will you ask those gentlemen not to indulge in hilarity because I am making a personal appeal to you? You need not refer to me as the Leader of the Opposition. You have given your judicial decision that I am unable to control members on this side of the House. It is no use appealing to me. You remember throughout my long connection with you I have been most respectful to you and I have never used any language which by any stretch of imagination can be taken exception to. I was sitting there and I came here and asked Dr. Sanyal to sit down. Before I could physically make him sit down he was making one or two interpellations and gesticulations and then before I could stop him he sat down. I wanted to speak. I was ready to express my regret to you on behalf of the members on this side of the House and even to apologise, if necessary, but you never gave me an opportunity of doing so. Remember, Sir, the feelings of certain members on this side of the House at the time when these incidents were taking place. It is no question of my being able to control the party. You have not been able to control the House. Therefore, Sir, I stand on the same ground as you, but I must say most respectfully you have even lost your temper which I have never done. I therefore submit to you that it is due to me, your long friend and who have never been in the least disrespectful, just to make some amends to me for the remark that you have made and the only amends you can make is by removing the order of naming and by adjourning the House till tomorrow. (Cries of "oh", "oh" from Coalition benches.) Sir, they think that the Speaker is on their side. I know, Sir, that you are not on their side. You are doing what you think just and proper. There is no cause of hilarity.

Sir, feelings are running high. You accept my humble suggestion. You remove the naming of the members and you adjourn the House and he will not take more than 10 minutes and it will not interfere with the regular business of the House. It will not be derogatory to your dignity at all; it will add to your dignity if you accept my suggestion. You can do whatever you like. You can withdraw your word and therefore if you reconsider your decision, nobody can say you have yielded to any pressure. I am only putting to you a humble suggestion. You do owe some amends to me and I have put forward how you can do it. I do not want anything personal nor do I want any sacrifice from you. I hope you will accept my suggestion.

Mr. SPEAKER: I have heard Mr. Fazlul Huq. I think I have been a little incorrect and I should correct myself to that extent. Mr. Fazlul Huq is not the leader of the Congress party; that I forgot. He is the leader of the other groups. Mr. Kiran Sankar Roy never agreed that he should be the leader of the Congress party. I have looked into the record and I find my mistake that he cannot be expected to have any control over the group under the leadership of Mr. K. S. Roy. To that extent I stand corrected.

The next thing that I want to say to Mr. Fazlul Huq is this, that I never intended to wound his feelings in the least, and if I have in any way wounded his feelings, apart from my duty as Speaker I certainly as Nausher Ali, not as Speaker, am prepared to apologise. That is quite clear. But so far as the request for withdrawing the naming of the persons whom I have already named is concerned, I find that he cannot speak on their behalf and therefore he cannot even make a request on their behalf. The request, if any, is to come from the leader of the party whom I have named and so far as the leader of the party is concerned he used most objectionable language. Until he withdraws that and makes amends for that no question of withdrawal of the naming can possibly arise.

Mr. SYED BADRUDDOJA: Mr. Speaker, may I respectfully submit that consistent with the dignity of the Chair, in all fairness you should show an example by withdrawing the expression that you have used against my revered leader Mr. A. K. Fazlul Huq. You have used that expression – it might not be deliberately, it might be unconsciously or in the heat of the moment—that Mr. Fazlul Huq has not the capacity to control his own people. I think you should consistent with the position you hold, consistent with that exalted office, you should first of all withdraw that expression. Then perhaps others will follow.

Mr. SPEAKER: I do not think I need add anything to what I have already said. I made that remark, as I have already stated, because I thought that Mr. Huq had control over the members of the Congress Group. But they are not his men at all. Therefore, that question does not arise.

Mr. C. GRIFFITHS: On a point of order, Sir. There is a stranger in the House since Dr. Sanyal who has been named by you has not withdrawn. He is in the House. In the circumstances, I submit, Sir, that the House cannot proceed with its business.

Mr. SPEAKER: Dr. Sanyal is not a stranger. He is a member of this House. Only he has not carried out my direction. That is the position.

Yes, Mr. Suhrawardy.

The Hon'ble Mr. H. S. SUHRAWARDY: I hope, Sir, the matter is now closed——

(At this stage there was continuous uproar from the Opposition benches and Dr. Nalinaksha Sanyal jumped on to the desk, sat there and began to shout at the top of his voice. Then amidst shouts and counter shouts and continuous table thumping Mr. Speaker adjourned the House.)

Adjournment.

The House was then adjourned at 8-12 p.m. till 4 p.m. on Thursday, the 15th June, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 15th June, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 13 Hon'ble Ministers and 192 members.

STARRED QUESTIONS

(to which oral answers were given)

Supply of food in Tamluk Sub-Jail.

***404. Babu RADHANATH DAS:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) whether coarse rice mixed with sand is being supplied to prisoners in the Tamluk Sub-Jail;

(*ii*) whether any sufficient quantity of vegetables is given to the prisoners;

(*iii*) whether *atta* and flour are supplied to them; and

(*iv*) if not, the reason thereof?

(*b*) Will the Hon'ble Minister be pleased to state why the undertrial prisoners, having money at the gate in their own name, are not allowed to purchase smoke and other things for their own requirement permissible under Jail Rules?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*) No; good medium rice is always supplied.

(*ii*) Yes.

(*iii*) *Atta* is supplied according to rule 179 of the Sub-Jail Code, a copy of which is in the Library.

(*iv*) Does not arise.

(*b*) The under-trials are allowed to purchase smoke and other things, permissible under the Jail Code Rules.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*)(*i*), will the Hon'ble Minister please state whether rice that is supplied is altogether free from gravel?

Khan Bahadur MOHAMMED ALI: The information before me is that good medium rice is supplied. I cannot say whether it is altogether free from gravel.

SJ. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister please state whether the under-trial prisoners made repeated complaints about the bad quality of rice that was being supplied to them?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Babu RADHA NATH DAS: Will the Hon'ble Minister be pleased to state if he has received any complaints from the under-trial prisoners of the Tamluk Sub-Jail with regard to the *atta* supplied to them?

Khan Bahadur MOHAMMED ALI: Yes, there was a complaint regarding *atta*.

Babu RADHA NATH DAS: Was there no complaint regarding rice?

Khan Bahadur MOHAMMED ALI: I have no information about rice.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state what quantity of vegetables were supplied to the prisoners?

Khan Bahadur MOHAMMED ALI: Vegetables including potato at 4 chittacks per day per man.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state what sort of complaint was made with regard to *atta*?

Khan Bahadur MOHAMMED ALI: They wanted greater quantity of *atta* to be supplied to them.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state if the prisoners also complained that good quality was not being supplied?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Babu RADHA NATH DAS: Will the Hon'ble Minister be pleased to state if it is a fact that in the Tamluk Sub-Jail no smoke is supplied to under-trial prisoners even at their own cost?

Khan Bahadur MOHAMMED ALI: No, Sir. Government's information is otherwise.

Illness of security prisoner Sj. Chittaranjan Guha.

***405. Mr. ATUL CHANDRA SEN:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that Sj. Chittaranjan Guha, a security prisoner in the Dacca Central Jail, has for a long time been suffering from some malignant diseases including suspected T.B. causing an alarming loss of weight;

(*ii*) that medical treatment in the said jail and the Mitford Hospital, Dacca, having failed, he was transferred to the Presidency Jail, Calcutta, for better treatment in the Medical College Hospital in February, 1943;

(*iii*) that while he was gradually improving in the Medical College Hospital, he was suddenly transferred in the midst of the treatment to the Dacca Central Jail; and

(*iv*) that his condition is again deteriorating alarmingly?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of transferring him forthwith—

(*i*) to the Presidency Jail, Calcutta, for proper treatment in the Medical College Hospital, or

(*ii*) to any jail, the prisoner may choose considering the climatic condition of the locality?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*) to (*iii*) I refer the honourable member to my reply to unstarred question No. 172 on the 30th May, 1944.

(*iv*) No.

(*b*) Does not arise.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister please state what is the present weight of the prisoner in question?

Khan Bahadur MOHAMMED ALI: I want notice.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister please state whether the said Babu Chitta Ranjan Guha and his father have recently applied to the Government for Chitta Babu's transfer to a suitable jail for medical treatment?

Khan Bahadur MOHAMMED ALI: Yes, Sir.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister please state what action has Government taken on the application?

Khan Bahadur MOHAMMED ALI: I would refer the honourable member to the reply given on the 30th May when I stated that the prisoner was transferred to the Presidency Jail and examined by the Ear, Nose and Throat Specialist. A course of treatment was prescribed for him and he was sent back to the Dacca Central Jail for treatment there.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister consider the desirability of placing on the Library Table a copy of the latest report of the Medical Officer of the Dacca Central Jail regarding Chitta Babu's health?

Khan Bahadur MOHAMMED ALI: If the honourable member gives a fresh notice of a question asking for a report of the Medical Officer this question will be answered.

Mr. ATUL CHANDRA SEN: Will he please take my present question as a notice?

Khan Bahadur MOHAMMED ALI: No, Sir; it would be better if the honourable member gives a written notice.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether he has gone through the report submitted by the Medical Officer of the Dacca Central Jail?

Khan Bahadur MOHAMMED ALI: Yes, Sir, when I was dealing with the question that was answered on the 30th May.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state what action do the Government propose to take for his immediate treatment in the light of the report of the Medical Officer?

Khan Bahadur MOHAMMED ALI: That treatment is continuing in the Dacca Central Jail.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister please consider the desirability of allowing Chitta Babu to place himself under the medical treatment of his own choice if he is prepared to pay the cost for it?

Khan Bahadur MOHAMMED ALI: That question needs to be examined, and I am not prepared to give an answer now.

Release and re-arrest of Mr. Dhirendra Narayan Mukharji.

*406. **Sj. ASHUTOSH MALLICK:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether Mr. Dhirendra Narayan Mukharji, M.L.A., a political security prisoner, was released from the Presidency Jail in the afternoon of the 21st January, 1943, and was again arrested on the 22nd January, 1943?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state the reason for the second arrest of Mr. Mukharji on 22nd?

(c) Will the Hon'ble Minister be pleased to state who passed orders—

(i) for his release; and

(ii) for his second arrest?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) The release of Mr. Mukharji was an unfortunate mistake. On a review of his case, orders were passed for his continued detention.

(*c*) In both cases the orders were the orders of Government.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state who was responsible for this alleged unfortunate mistake?

Khan Bahadur MOHAMMED ALI: I refer the honourable member to my reply to (*c*).

Dr. NALINAKSHA SANYAL: For whom was this unfortunate?

Khan Bahadur MOHAMMED ALI: Unfortunate for everybody.

Mr. ATUL CHANDRA SEN: From the answer just given, do I understand that the Government was responsible for this unfortunate mistake?

Khan Bahadur MOHAMMED ALI: Yes, Sir.

Sj. NARENDRA NATH DAS GUPTA: On what ground do the Government think that the release of Mr Mukharji was unfortunate?

Khan Bahadur MOHAMMED ALI: This happened during the regime of the last Ministry The orders for release and for re-arrest were passed by the last Ministry and the order for his last release was passed by this Ministry.

Release of Professor Bireshwar Bose.

***407. Mr. HARIPADA CHATTOPADHYAY:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that Professor Bireshwar Bose, M.A., a tuberculosis patient and an old man, was in Diamond Harbour for reasons of health;

(*ii*) that he was served with a notice of externment ordering him to leave Diamond Harbour within 24 hours for the violation of which he was awarded 8 months' simple imprisonment on 20th April, 1943;

(*iii*) that he has been placed in division III;

(*iv*) that he comes of a very respectable family and was a Professor for many years in Government colleges in Government service and an M.A. in English and Sanskrit; and

(*v*) that his sputum was examined in the Alipore Central Jail Hospital and found to be T.B. positive?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of releasing him on medical grounds or at least placing him in a higher division of classification?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*), (*ii*), (*iv*) and (*v*) Yes.

(*iii*) He was at first placed in division III, but later on he was raised to division I.

(*b*) He was released on the 24th July, 1943.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us how long he was in Division III?

Khan Bahadur MOHAMMED ALI: Sir, he was raised to Division I on the 5th July, 1943, and released on 24th July, 1943.

Mr. DHIRENDRA NATH DATTA: In view of the answer just now given, will the Hon'ble Minister be pleased to tell us what is the reason for the delay in raising his status to Division I?

Khan Bahadur MOHAMMED ALI: Because he was ailing and subsequently it was discovered that his social position and status entitled him to a better classification.

Mr. ATUL CHANDRA SEN: With reference to the answer to (*a*)(*iv*), will the Hon'ble Minister be pleased to state why an order of externment was served on a man who on Government's own admission was suffering from tuberculosis and was there to regain his health?

Khan Bahadur MOHAMMED ALI: The reason for serving the externment order cannot be disclosed in the interests of public safety.

Mr. ATUL CHANDRA SEN: From the answer just given by the Hon'ble Minister, do I understand him to say that the T. B. patient was connected in any way with any subversive activity?

Khan Bahadur MOHAMMED ALI: It is not expedient in the public interest to disclose it.

Mr. P. BANERJI: Will the Hon'ble Minister please state whether it is a fact that his detention was due to his being the President of the Diamond Harbour Relief Committee whose activities were opposed by the Subdivisional Officer?

Khan Bahadur MOHAMMED ALI: I have already said that the reasons for his arrest or his detention or the service of a notice of externment cannot be stated in the interest of public safety.

Mr. HARIPADA CHATTOPADHYAY: Will the Hon'ble Minister please state why Professor Bose was originally placed in Division III?

Khan Bahadur MOHAMMED ALI: Because when he was tried there was no evidence to disclose his real status and position.

Mr. P. BANERJI: Will the Hon'ble Minister please state whether it is a fact that the same gentleman is stil under certain restrictions?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. JOGESH CHANDRA GUPTA: When he was tried it was known that he was a Professor in a Government College and an M.A. in English and Sanskrit, yet will the Hon'ble Minister be pleased to state why it was difficult for Government to know his status?

Khan Bahadur MOHAMMED ALI: Government have the report that the education and social status of the prisoner were not disclosed in evidence and that they were not known to the trying Magistrate.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister please state whether Professor Bose, during his stay there (in Diamond Harbour) committed any act of defiance of law prejudicial to the security of the State?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state whether Government had any previous record of his activities in their possession before he was actually hauled up for certain alleged undesirable activities at Diamond Harbour?

Khan Bahadur MOHAMMED ALI: I ask for notice

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state whether the identity of this security prisoner was known to the local Police or not?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state whether the Police acted on inadequate information regarding the identity of this gentleman?

Khan Bahadur MOHAMMED ALI: No, Sir. I might point out to the honourable member that he was tried and convicted; he was not detained without any trial.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if Government are aware that Professor Bose had in the past several records of public service which are already in possession of the Police?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if it is a fact that at the time of the trial of Professor Bose his identity as an ex-Professor was actually known and this was submitted also by certain persons to the Court?

Khan Bahadur MOHAMMED ALI: No, Sir. Government's report is that there was no evidence to show his status or his educational qualifications. On the other hand, the prisoner did not claim any special privilege.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state who is responsible for suppressing the information regarding the full details about the identity of this gentleman?

Khan Bahadur MOHAMMED ALI: That was not a material point before the Magistrate He was tried for having disobeyed the externment order and convicted.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state on what alleged offence the externment order was issued on him?

Khan Bahadur MOHAMMED ALI: I have already said that the reasons cannot be stated.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state whether while issuing the externment order the status of the gentleman and his probable activities prejudicial to the State were taken into consideration?

Khan Bahadur MOHAMMED ALI: Must have been taken into consideration.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state whether in view of that, the identity of the person and his status were known to the Government or not?

Mr. SPEAKER: That is an argumentative question.

Mr. JOCESH CHANDRA GUPTA: Is the Hon'ble Minister aware that in sending up the report, the antecedent about the accused—whether he had any previous conviction—that column has got to be filled up by the Police officer?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Application by security prisoner Mr. Dhirendra Nath Chose for release on parole.

***408. Sj. MANINDRA BHUSAN SINHA:** *(a)* Will the Hon'ble Minister in charge of the Home Department be pleased to state whether

Government have received any application from Mr. Dhirendra Nath Ghose, B.L., a security prisoner in Midnapore Central Jail and the only son of late Mr. Atal Behari Ghose of Bankura town (district Bankura) for being released on parole to enable him to put in order his property, etc., which is in an unsettled state on account of the sudden death of his father which took place some time in November last year?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether Government are considering the desirability of releasing Mr. Ghose on parole to put in order his property?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) No.

Sj. MANINDRA BHUSAN SINHA: Will the Hon'ble Minister be pleased to state if it is a fact that the District Officer of Bankura recommended the release of the security prisoner on parole?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state why his petition was rejected?

Khan Bahadur MOHAMMED ALI: It is not expedient in the public interest to disclose the reasons, but I might state for the information of the honourable member that under rule 55 of the Bengal Security Prisoners Rules, he was given all facilities to execute the power of attorney for the management of his property.

Increase in allowances of security prisoners.

***409. Babu JNANENDRA CHANDRA MAJUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) whether Government have received petitions from security prisoners of Dacca Central and other jails praying for raising the rates of their diet and sport allowances and for the grant of educational and study allowances for examinees besides other necessary amenities;

(*ii*) whether the price index of foodstuffs and that of fuel have gone up from 100 to 257 and 475 respectively in December, 1942, according to the statement of the Controller of Civil Supplies, Calcutta, and the prices of sports goods and accessories have also gone up very high; and

(*iii*) whether it is a fact that the increment of diet allowance made in August, 1942, has been not in proportion to the rise of the price index of foodstuffs and fuels?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action he has taken or contemplates to take on those petitions?

(*c*) Is the Hon'ble Minister considering the desirability of—

(*i*) raising the rate of diet allowance;

(*ii*) raising the rate of sports allowance; and

(*iii*) granting educational and study allowance for examinees?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state the reasons thereof?

(*e*) Will the Hon'ble Minister be further pleased to state—

(*i*) what are those "two matters relating to allowances" mentioned in the Press Note issued on 13th September, 1942, or thereabout;

(*ii*) when the Government will be able to come to decision on "two matters relating to allowances"; and

(*iii*) when the Bengal Security Prisoners' Rules will be published in the *Calcutta Gazette* as stated in the said Press Note?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) to (*d*) I have already passed necessary orders regarding the increase of security prisoners' diet and sports allowance.

The question of study allowance is still under my consideration.

(*e*) (*i*) These matters concern the grant of personal allowance to security prisoners and the grant of study allowance.

(*ii*) It has been decided not to grant personal allowance. The question of study allowance is still under consideration

(*iii*) On account of the severe paper shortage and the necessity for the observance of the strictest economy in the consumption of paper effect could not be given to the decision to publish the Bengal Security Prisoners Rules in the *Calcutta Gazette*. Meanwhile copies of the rules with the information regarding all amendments have been placed in the Library of the Legislature and are also available in all jails for perusal by all security prisoners.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the substance of the order that has been passed regarding the increase of security prisoners' diet and sports allowance, with reference to answers (*b*) to (*d*)?

Khan Bahadur MOHAMMED ALI: As regards the diet allowance, I may state that originally the allowance sanctioned was annas 9 6 pies per head; then it was raised to 12 annas and the present rate is Rs 1-8 per head. As soon as the present Ministry came to office they passed order that diet allowance should be doubled As regards the sports allowance, the Government has ordered that the Inspector-General of Prisons can sanction sports allowance at the rate of Rs 30 per annum for one to three security prisoners; Rs. 60 for four to ten security prisoners, and for every additional security prisoner, Rs 3-4 per head per annum If this sum is exceeded, the sanction of Government would be required.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state how long they will take to consider about the study allowance?

Khan Bahadur MOHAMMED ALI: That is still under the consideration of the Hon'ble the Chief Minister. It may be expected that he will arrive at a decision soon.

Mr. SURENDRA NATH BISWAS: With reference to answer (*e*)(*ii*), will the Hon'ble Minister be pleased to state what are the reasons for deciding not to grant personal allowance?

Khan Bahadur MOHAMMED ALI: I am afraid I cannot reply to that.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, the Parliamentary Secretary says that he is unable to answer the question. I asked him what are the reasons for not granting him personal allowance and he says that he is not in a position to answer that.

Mr. SPEAKER: What can I do?

Mr. SURENDRA NATH BISWAS: May I ask the Hon'ble Chief Minister to answer it himself?

Mr. SPEAKER: I think I cannot allow a part of it to be answered by the Parliamentary Secretary and a part of it to be answered by the Home Minister.

Mr. SURENDRA NATH BISWAS: That is not our fault. We want it to be properly answered.

Khan Bahadur MOHAMMED ALI: The proposal was turned down by the Government of India.

Grant of family allowance to detenu Sj. Phani Sarkhel.

***410. Sj. NARENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that Sj. Phani Sarkhel, a detenu in Barisal Jail, has forwarded several petitions to the Government of Bengal praying for family allowance for his aged mother, his sister and her three children all dependants on him;

(*ii*) that no allowance has been granted to him up till now;

(*iii*) that he is the only supporter of the family;

(*iv*) that his family depended on his earning; and

(*v*) that without his earnings the whole family have been reduced to poverty?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of granting him a family allowance?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) Yes.

(*ii*) to (*v*) An allowance of Rs. 20 per month has been granted to Mr. Sarkhel's mother with effect from 15th May, 1943

(*b*) Does not arise.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the number of dependants in his family?

Khan Bahadur MOHAMMED ALI: Three, Sir.

Sj. NARENDRA NATH DAS GUPTA: The Parliamentary Secretary has given a wrong number. In question (*a*)(*i*) it has been said that Mr. Sarkhel has his aged mother, his sister and her three children. These five are dependant upon him. Will the Hon'ble Minister be pleased to state, in view of the fact that Mr. Sarkhel has five dependants, whether the sum of Rs. 20 is at all adequate to maintain them in these hard days?

Khan Bahadur MOHAMMED ALI: The prisoner before his arrest was an agent of some newspaper and his earning ranged from Rs. 15 to Rs. 20 per month. Under the liberal policy of the Government, the full amount which he was earning before his arrest has been sanctioned to him.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether he has received any application from Phani Sarkhel that his mother is lying seriously ill?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Opening of control shops in rural areas of Birbhum.

***411. Dr. SHARAT CHANDRA MUKHERJEE:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) whether any control shops have been opened in the rural areas of Birbhum;

(*b*) if so, their number and the materials they deal in;

(*c*) the number of such shops opened in the urban area stating their places;

(*d*) the number of them that are for ordinary public;

(*e*) the number of them that are for public security and essential service men; and

(*f*) the approximate or specific number of general persons who got advantages of such shops?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): The position on the 28th September, 1943, was as follows:—

(*a*) Yes.

(*b*) 567 dealing in sugar, kerosene oil, *atta*, flour, bajra, wheat, gram and dal.

(*c*) Five at Suri.

(*d*) All the 572 shops in the rural and urban areas were for the ordinary public.

(*e*) Besides the controlled shops, there were three Government stores, and one police store for the supply of rations to Government servants and the Police force.

(*f*) About four lakh persons were served by the "Controlled" shops.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. The question was received evidently by the Government long before the 28th September, 1943, and this is the 15th June, 1944. We would invite your attention to the rules which lay down that questions will be asked and answers should be given. The question does not specify a particular date for which the answer is to be given, and I submit to you that in view of the fact that the question has not been answered, the question may be held over to enable the Hon'ble Minister to come forward with a more up-to-date reply.

Mr. SPEAKER: Dr. Sanyal, this is apparently, as you have said, a very old question. It has been answered by the Government in the way they have thought fit.

Dr. NALINAKSHA SANYAL: I have not asked Government. Questions are asked for answers. Here is a question which does not state any specific date for which the member wants a reply as on a particular date. Government have come forward with a reply which on the face of it is absurd and evidently they had the answer prepared about a year ago and for some reason or other they did not feel it convenient to place that answer before the House. I therefore submit that the question be held over.

Mr. SPEAKER: Yes, this question is held over.

Government shops in Kalighat area.

***412. Mr. J. N. GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*i*) whether it is a fact that two Government shops have been opened on the Mohim Halder Street in Kalighat area; and

(*ii*) whether an Advisory Committee consisting of respectable and responsible persons of the locality has been formed for each shop?

(*b*) If the answer to (*a*)(*i*) is in the affirmative, will the Hon'ble Minister be pleased to state whether those Advisory Committees are functioning or suspended?

(*c*) Will the Hon'ble Minister be pleased to state if any regulation is made for the guidance of the Advisory Committee of Government shop?

(*d*) If so, what are they? If not, why not?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes.

(*b*) Suspended.

(*c*) No.

(*d*) No rules were framed as the committees were suspended shortly after their creation on the transfer of their duties, mainly the checking of enumeration figures supplied to the A.R.P. wardens, to the Post Raid Information organisation.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have revised their policy regarding the creation of Advisory Food Committees in local areas or Mahalla Committees to enable such local committees to supervise the work of rationing in each area?

The Hon'ble Mr. H. S. SUHRAWARDY: I submit it does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the Advisory Committee referred to in the question was constituted as a result of Government's policy in this connection or otherwise?

The Hon'ble Mr. H. S. SUHRAWARDY: This was an Advisory Committee attached to a certain Government shop and was brought in before the introduction of rationing. That is the reason why there is no Advisory Committee at the present moment.

Procuration of sugar for Calcutta and mufassal areas of Bengal.

***413. Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*i*) what are the present arrangements for the procuration of sugar for—

(A) Calcutta, and

(B) mufassal areas of this Province respectively;

(*ii*) what are the principles followed in the selection of the source of supply for each district from within and from outside Bengal;

(*iii*) what are the principles followed in allocating the provincial quotas for each month to each area and in the selection of importing agents as well as distributing agents at different areas;

(*iv*) what are the quotas allocated to this Province for each of the months from January up to September, 1943, and the actual deliveries obtained against the same month by month;

(*v*) the names and the monthly quotas allocated to each of the importer agents for Calcutta area from January to September, 1943, and the actual deliveries obtained by each of them; and

(*vi*) whether Government have received any representation from Bengal Sugar Merchants' Association inviting their attention to certain drawbacks in the present scheme of selection of importing agents and allocation of quotas and requesting Government to furnish them with the names of such agents?

(*b*) If the answer to (*a*) (*vi*) is in the affirmative, will the Hon'ble Minister be pleased to state what action has been taken on such representation?

(*c*) Will the Hon'ble Minister be pleased to lay on the Table a statement showing for the period from January, 1943, to latest available date—

(*i*) the number of prosecutions of sugar agents and dealers that had been started during the period;

(*ii*) the number of these that have ended in conviction;

(*iii*) in acquittal; and

(*iv*) the number of them that are pending?

(*d*) Is the Hon'ble Minister aware that great inconvenience is being suffered by the public generally in Calcutta as well as in the mufassal for want of a proper scheme for the distribution of sugar and for the utter impossibility of obtaining necessary supplies?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*)(*i*) to (*vi*) Allotment of sugar to Bengal is made by the Sugar Controller for India and he decides from time to time from what mills the supplies should be drawn. The selection of mills for making supplies to particular areas is made according to transport facilities available. The distribution of the provincial quota among the different consuming area is made on the basis of the total population, the number of urban people in the area, economic condition of the people, presence of industries requiring sugar in their production, etc. The selection of wholesale dealers and retail dealers is made according to their reliability and standing in the trade as far as possible.

(*iv*) The provincial quota is not allotted month by month by the Sugar Controller, but in several unequal instalments during the year.

(*v*) At present no sugar is being given to wholesale dealers in Calcutta. The question of utilising them is, however, under consideration.

(*vi*) Yes.

(*b*) The representation was considered and the matter which was discussed with the representatives of the Association is still under the consideration of Government.

(*c*) A statement is laid on the Table.

(*d*) In Calcutta a Rationing Scheme is now in operation. The question of improving the arrangements in the districts has been taken up by an officer specially appointed for improving distribution in the rural areas. Unless however Bengal's quota is considerably increased hardship in obtaining supplies is inevitable.

Statement referred to in reply to clause (c) of starred question No. 413.

(*i*) Number of prosecutions of sugar agents and dealers that had been started during the period 1st January, 1943, to the 26th January, 1944	378
(*ii*) The number of these that have ended in conviction	187
(*iii*) The number of these that have ended in acquittal	28
(*iv*) The number of them that are pending	163

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if this answer relates to the present period or to any period before the present time?

The Hon'ble Mr. H. S. SUHRAWARDY: Present period.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that sugar manufactured in the Gopalpur mills in the Rajshahi district quite adjoining Ishwardi has been allotted for distribution to districts other than Rajshahi and Pabna whereas Pabna district obtains sugar from far-off mills in Bihar and elsewhere?

The Hon'ble Mr. H. S. SUHRAWARDY: Might be so, Sir. The allotment is made by the Sugar Controller of India.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if in the allotment of sugar, convenience of transport from respective areas is a consideration for such allotment?

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member will be good enough to address that question to the Sugar Controller for India.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the Sugar Controller for India has received or does receive any suggestion or recommendation of the Provincial Government in this connection?

The Hon'ble Mr. H. S. SUHRAWARDY: He has received many times and is fully aware of the transport difficulties and also of the contiguity of the various districts and the map and geography of Bengal.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the district of Murshidabad which has got one mill at Beldanga and another at Plassey just adjoining the district receives its sugar supply from Bihar and the Plassey and Beldanga sugar is allotted elsewhere?

The Hon'ble Mr. H. S. SUHRAWARDY: It might be so. I believe the honourable member is aware that possibly both the Plassey and Beldanga mills are not in operation.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the district of Nadia which has got two sugar mills at Plassey and Darsana receives its supply of sugar from Bihar, i.e., outside the province, whereas Carew Company's sugar at Darsana goes out elsewhere to Assam side?

The Hon'ble Mr. H. S. SUHRAWARDY: I suppose the honourable member is aware that Darsana is not manufacturing sugar now.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that Darsana has been working the longest number of days in the present season for the manufacture of sugar?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think so.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that due to shortage of supply of sugarcane the sugar mill at Beldanga could not operate this season and the sugar mill at Gopalpur made arrangements with Darsana to crush all the sugarcane of Gopalpur area at Darsana stopping Gopalpur after working for a number of days?

The Hon'ble Mr. H. S. SUHRAWARDY: I submit, Sir, that this question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when the representation referred to in answer (*b*) and in question (*b*) was received?

The Hon'ble Mr. H. S. SUHRAWARDY: I can only say that this was received a considerable time ago. I do not remember the precise date.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how long this has been under the consideration of Government?

The Hon'ble Mr. H. S. SUHRAWARDY: It has been under the consideration of Government for some time, as the sugar dealers were called upon to syndicate themselves and since then they do not seem to have organised sufficiently for Government to entrust them with supplies.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that in consultation with the Directorate of Civil Supplies the Sugar Merchants' Association had actually submitted a detailed scheme of import into the province and distribution into the district, which was approved at a conference between the Sugar Merchants' Association's representatives and the Directorate of Civil Supplies?

The Hon'ble Mr. H. S. SUHRAWARDY: I am aware that certain conversations are proceeding between the Syndicate of the Merchants and

the Directorate of Civil Supplies and that is the reason why I have said that the matter is under consideration, because no conclusion has yet been arrived at.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is in a position to let us know by what time approximately a decision can be expected from Government in the matter?

The Hon'ble Mr. H. S. SUHRAWARDY: Government is not yet satisfied with the proposals and until that time the matter will proceed as it is proceeding now. As soon as Government will be satisfied with the proposals, a decision will be taken. I am unable to say when the Syndicate will be able to satisfy Government.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that so far as supply in the mufassal districts is concerned, the present arrangement of through booking sugar from the mills in Bihar direct to the receiving centres in the mufassal has in many cases yielded poor results?

The Hon'ble Mr. H. S. SUHRAWARDY: The movement has certainly been very unsatisfactory; and it has become necessary to move sugar coming directly from mills to Calcutta to the districts from Calcutta. I am doing so as far as transport is available and I am trying to send more sugar to the districts than is allotted to them.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is considering the desirability of arranging direct sales to merchants in the mufassal areas from mills enabling them to arrange for transport on priority arrangement by Government direct to the respective mufassal areas and not through Calcutta?

The Hon'ble Mr. H. S. SUHRAWARDY: I submit, Sir, that that question does not arise. This relates to a different question of policy.

Dr. NALINAKSHA SANYAL: I submit, Sir, that the question does arise because it deals with the distribution in the mufassal monthly.

Mr. SPEAKER: You can put another question. That question does not arise.

Dr. NALINAKSHA SANYAL: With reference to question No (*v*), will the Hon'ble Minister be pleased to state the names of the merchants who were allotted quotas from January to September, 1943?

The Hon'ble Mr. H. S. SUHRAWARDY: The answer is already given.

Dr. NALINAKSHA SANYAL: No, Sir. Question (*v*) is this: "Will the Hon'ble Minister be pleased to state the names and the monthly quotas allocated to each of the importer agents for Calcutta area and the actual deliveries obtained by each of them". I want to know the names.

The Hon'ble Mr. H. S. SUHRAWARDY: I want notice.

Dr. NALINAKSHA SANYAL: Notice was given. You will find that question (*a*)(*v*) wants the names and the monthly quotas allocated to each of the importer agents for Calcutta from January to September, 1943, and the actual deliveries obtained by each of them.

The Hon'ble Mr. H. S. SUHRAWARDY: There are no importer agents in Calcutta and that is why no names have been given.

Dr. NALINAKSHA SANYAL: No, no. The answer given is "At present no sugar is being given to wholesale dealers". This refers to a period from January to September, 1943. Am I to understand that at that time there were no importer agents?

The Hon'ble Mr. H. S. SUHRAWARDY: At present there are none.

Dr. NALINAKSHA SANYAL: What about that period?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think that there were any importer agents at any time. I do not mean that no person was allowed to import, but so far as I remember the position was this that the Government of India sent sugar to Calcutta and there were certain number of persons who were to act as stockists for Government. There were no importer agents.

Food Committees in 24-Parganas.

***414. Khan Bahadur JASIMUDDIN AHMED:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether Food Committees—

(*a*) have been formed; and

(*b*) are holding meetings regularly in the district of 24-Parganas—

(*i*) at the villages,

(*ii*) at the unions,

(*iii*) at the Jute Inspector's units,

(*iv*) at the thanas,

(*v*) at the subdivisions, and

(*vi*) at the district headquarters?

The Hon'be Mr. H. S. SUHRAWARDY: District Food Committees, Subdivisional Food Committtees and Jute Circle Food Committees have been formed and are holding meetings regularly. As regards Union Food Committees and Village Food Committees, those that were constituted during the Food Drive have been reconstituted and are functioning. Other Union Food Committees and Village Food Committees are being formed.

Thana Food Committees have been discontinued.

Advisory Committee for control of food committees in Chatal subdivision.

***415. Mr. HARENDRA NATH DOLUI:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether there is any Advisory Committee in the Ghatal subdivision in the district of Midnapore for the control and supply of food commodities in the subdivision?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state who are the members of the said committee?

The Hon'ble Mr. H. S. SUHRAWARDY: The position as it was on the 4th March, 1943, was as follows:—

(*a*) There is such a committee.

(*b*) A statement is laid on the Table.

Statement referred to in reply to clause (b) of starred question No. 415.

(1) Subdivisional Officer, Ghatal.

(2) Chairman, Ghatal Municipality.

(3) Chairman, Khirpai Municipality.

(4) Chairman, Ramjibanpur Municipality.

(5) Chairman, Chandrakona Municipality.

(6) Chairman, Kharar Municipality.

(7) Vice-Chairman, Ghatal Local Board.

(8) Circle Officer, Ghatal.

(9) Circle Officer, Chandrakona.

(10) Subdivisional Supply Officer, Ghatal.
(11) Circle Inspector of Police, Ghatal.
(12) Station Master, C. S. N. Co., Ghatal.
(13) Babu Mati Lal Bhattacharyya.
(14) Babu Anukul Chandra Kar.
(15) Babu Madan Mohan Mukherjee.
(16) Babu Jatindra Nath Pal.
(17) Babu Sitaram Kundu.
(18) Babu Raj Krista Saha.
(19) Babu Gostha Behari Dutta.
(20) Babu Hari Sadhan Nandigrami.
(21) Babu Satyendra Kumar Roy
(22) Babu Kali Das Kundu.

I may state here, Sir, that the heading given by the department is somewhat incorrect. It should be "Advisory Committee for control of food commodities in Ghatal subdivision" and not "food committees".

Purchase of rice and its distribution in Bengal.

***416. Mr. ABU HOSSAIN SARKAR:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) the amount of rice purchased by the Government inside Bengal on public accounts from April, 1943, up to the last available date;
(*b*) the names of the agents for such purchases;
(*c*) the amount that has been distributed among the public;
(*d*) the amount that was sold to the Government employees during the period; and
(*e*) the place where the stocks are being kept?

The Hon'ble Mr. H. S. SUHRAWARDY: The position on 3rd July, 1943, was as follows:—

(*a*) Rice 553,152 maunds and paddy 15,890 maunds.

(*b*) Of the quantity mentioned in (*a*) above, 154,747 maunds of rice and 5,983 maunds of paddy were purchased through Messrs. M. M. Ispahani, Ltd. The balance was purchased direct from dealers by the Foodgrains Purchasing Officer.

(*c*) 492,678 maunds
(*d*) 21,300 maunds
(*e*) The major portion of stock was stored in Calcutta and the rest in the districts of Dinajpur, Jalpaiguri, Bankura and Midnapore.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to explain why thousands of people died in the streets of Calcutta last year for want of food while Government had in their possession about 1,50,000 maunds of rice and about 6,000 maunds of paddy?

Mr. SPEAKER: That question does not strictly speaking arise out of his question.

Surplus rice and paddy seized in Birbhum during anti-hoarding drive and its distribution for local relief.

***417. Dr. SHARAT CHANDRA MUKERJEE:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*i*) the total quantity of rice and paddy—
(1) seized as surplus, and
(2) left with the owners in village cultivator's houses in the district of Birbhum during the anti-hoard move;
(*ii*) whether any orders have since been issued for their distribution amongst the needy co-villagers;
(*iii*) whether the village food committees then formed are working at all; and

(*iv*) whether new committees have been formed since then after the notification in the paper?

(*b*) Is the Hon'ble Minister aware—

(*i*) that want of foodstuff specially of rice and paddy has become much more acute at present in the rural areas of the district; and

(*ii*) that notices for showing cause have been served on two cultivators of Nanur village for the offence of ditributing parts of the seized paddy and rice of their stocks to some of the co-villagers with the consent of the local food committee?

(*c*) Do the Government contemplate to distribute the surplus rice and paddy to the local villages immediately?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) (1) 44,845 maunds of paddy.

(2) Only 50 per cent. of the stocks above 200 maunds was frozen in each case. Due allowances were made for family consumption, agricultural needs and for other social and religious ceremonies.

(*ii*) Yes; orders were issued for their distribution at concessional rates in each union through union control shops.

(*iii*) Yes.

(*iv*) Yes, in the Rampurhat subdivision, but not in the Sadar subdivision where the old committees are still functioning.

(*b*) (*i*) There was a shortage of foodstuffs in the Rampurhat subdivision but steps were taken to transfer to that area as much as possible ex-stocks in the Sadar subdivision.

(*ii*) Yes; the local food committee was not legally competent to dispose of the stocks without the permission of the Subdivisional Officer.

(*c*) Surplus stocks were utilised for purposes of local relief to the fullest possible extent.

Seizure of rice in Jamalpur and release of the same to owners.

***418. Mr. ABDUL KARIM:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether it is a fact—

(*i*) that on 23rd October, 1943, 49 bags of rice weighing about 62 maunds belonging to Muhammad Ali of Kaziar Char, police-station Jamalpur (Mymensingh), and 16 other different persons were seized by the officer in charge of Pearpur Camp during the last special foodgrains drive and kept in the godown of Ram Das Ram of Pearpur;

(*ii*) that the Supply Officer, Jamalpur, by his memorandum No. 5669, dated the 28th December, 1943, to the officer-in-charge of Jamalpur, has released the same quantity of rice and asked the respective owners to take back their respective share from Ram Das Ram; and

(*iii*) that these persons have incurred loss thereby?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he contemplates compensating the loss?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*)(*i*) Yes.

(*ii*) The rice was released under the orders of the Subdivisional Officer, Jamalpur, and not of the Supply Officer.

(*iii*) The total quantity (62 maunds) belonged to 17 different persons; the share of each person was small and must presumably have been retained for personal consumption. Although some inconvenience may have been caused by the seizure, the question of monetary loss does not appear to arise.

(*b*) Does not arise.

Mr. ABDUL KARIM: Will the Hon'ble Minister be pleased to state why 62 maunds of rice which was meant for personal consumption was seized at all?

The Hon'ble Mr. H. S. SUHRAWARDY: Presumably the officer-in-charge thought that this 62 maunds which was then in the possession of one particular person would not be necessary for personal consumption. Thereafter it was released as soon as it was known that it was actually in the possession of 17 persons.

Rice and paddy seized by Government from Burdwan.

***419. Mr. ADWAITA KUMAR MAJI:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state the quantity of rice and paddy that have been requisitioned or seized during the anti-hoard movement in the district of Burdwan?

(*b*) Is the Hon'ble Minister aware of the distress now prevalent in the district?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps have been taken by the Government to solve the food problem in the district?

The Hon'ble Mr. H. S. SUHRAWARDY. (*a*) The following quantities of "requisitioned" rice and paddy were acquired under the Defence of India Rules:—

		Mds.	srs.
Rice	...	2,521	..
Paddy	..	79,772	30

(*b*) Yes, at the time to which the question relates.

(*c*) A large number of gruel kitchens were opened. Cheap grain shops were established in the urban and rural areas. Gratuitous relief in cash and kind was also granted. Supplies of foodstuffs were also despatched to the district.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what proportion of this requisitioned quantity of rice and paddy was actually delivered to the local gruel kitchens or for consumption in the locality?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think anything was brought out of Burdwan. Everything was used for local consumption.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if his department or he himself received a complaint that large quantities of rice and paddy were requisitioned and kept frozen at the place while people were suffering terribly for want of food in the area?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir. Such a complaint was received and was enquired into and the stock was spent.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister considering the desirability of preventing a recurrence of such things in Burdwan and other places?

The Hon'ble Mr. H. S. SUHRAWARDY: I feel, Sir, that under the stress of circumstances certain officers made mistakes. It is not likely that those mistakes will be repeated.

Grant of conveyance allowance to certain staff under Controller of Rationing.

***420. Khan Bahadur ABDUL WAHAB KHAN:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state

whether conveyance allowances are being granted to Inspectors and Sub-Inspectors of Rationing in Calcutta, Howrah and Hooghly?

(b) If so, the reasons why the said Officers under the Deputy Controller of Rationing, Barrackpore, are being denied the same?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) Yes.

(b) It is not a fact that Inspectors and Sub-Inspectors employed under the Deputy Controller of Rationing, Barrackpore, have been denied the conveyance allowance. They have been allowed to draw conveyance allowance on the same scale as officers of similar status in Calcutta, Howrah and Hooghly.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what are the respective conveyance allowances granted to Inspectors and Sub-Inspectors of the Calcutta Rationing Area and of the Extended Rationing Area?

The Hon'ble Mr. H. S. SUHRAWARDY: I certainly want notice. The honourable member does not expect me to know all the details thereof.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that in view of the very meagre conveyance allowance allowed to these officers they have often to go to their respective inspection posts in cars procured from or supplied by dealers or contractors of Government?

The Hon'ble Mr. H. S. SUHRAWARDY: If the honourable member wants me to consider whether the conveyance allowance is adequate or not I shall do so.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister considering the desirability of examining how far the conveyance allowances allowed to these officers are such as would actually enable them to move about without depending upon the persons whose godowns they are going to inspect?

The Hon'ble Mr. H. S. SUHRAWARDY: I shall certainly examine this question. It is most reprehensible if the officers have to use conveyance supplied by the dealers whose godowns they are going to inspect.

Government steps to remove food scarcity in Bengal.

***421. Mr. PRATUL CHANDRA GANGULI:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state what steps have been taken by the Government to remove the acute food scarcity in Bengal?

The Hon'ble Mr. H. S. SUHRAWARDY: Government are not aware of any *acute* food scarcity in Bengal. Arrangements have been made to move rice and paddy according to a carefully prepared plan from surplus to deficit districts; other foodgrains are also being despatched to deficit areas

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if this answer relates to all parts of Bengal or to some specific or particular districts of Bengal when he says that there is no acute food scarcity in Bengal?

The Hon'ble Mr. H. S. SUHRAWARDY: The question related to acute food scarcity in Bengal. It did not refer to any particular place within Bengal and the answer is that there is no acute food scarcity in Bengal.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that rice is selling at Rs. 60 per maund in Chittagong?

The Hon'ble Mr. H. S. SUHRAWARDY: This information of the onourable member is incorrect.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be leased to state what is the price of rice at present in the district of Chittagong?

The Hon'ble Mr. H. S. SUHRAWARDY: I am quite prepared to nswer that question now if the adjournment motion is not going to be oved.

Cruel kitchens in Chittagong district.

*422. **Khan Bahadur Maulvi FAZLUL QUADIR:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(a) how many gruel kitchens were opened in 1943 by the Government in the district of Chittagong;

(b) how many of them have been closed altogether and since when;

(c) whether any dole is given to the destitutes in the area where gruel kitchens have been stopped;

(d) if so, in what shape and on what basis;

(e) what is the number of destitutes repatriated from the Chittagong Town in November and December last; and

(f) whether any money was given to them besides free conveyance?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) Six hundred and forty-three.

(b) All of them have been closed and workhouses have been started since February, 1944.

(c) No.

(d) Does not arise.

(e) About 1,600.

(f) Yes, whenever necessary

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state how many workhouses have been opened in the Chittagong district?

The Hon'ble Mr. H. S. SUHRAWARDY: That is difficult for me to say off-hand The last report which I got shows that there were 16 large workhouses and a number of subsidiary workhouses.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state whether there is any limitation of age of workers?

The Hon'ble Mr. H. S. SUHRAWARDY: There is no limitation of age of workers or sex of persons who are resorting to workhouses.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state what is the rate of remuneration given in cash or in kind in the workhouses?

The Hon'ble Mr. H. S. SUHRAWARDY: I submit, Sir, that question does not arise out of this question.

When destitutes come to these workhouses, they are given food and shelter, and thereafter if they do any work they get some remuneration.

Khan Bahadur Maulvi FAZLUL QUADIR: Is it a fact that 6 chitacks of rice are given per head daily?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of that. I suppose something is being given.

Maulvi MUHAMMAD ISRAIL: With reference to answer (*f*), will the Hon'ble Minister be pleased to state whether the amount was given in kind or in cash?

The Hon'ble Mr. H. S. SUHRAWARDY: The answer is, "whenever necessary". How is it possible for me to say, how much?

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state what is the amount that is being paid when it is actually being paid whenever occasion arises?

The Hon'ble Mr. H. S. SUHRAWARDY: According to the distances, I suppose, to which they are repatriated.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state what is the amount of expenses of these poor persons and what is the total amount paid whenever necessary?

The Hon'ble Mr. H. S. SUHRAWARDY: That I do not know.

Khan Bahadur Maulvi FAZLUL QUADIR: There is an estimate and there must have been some figures with the Government as to how much money has been paid.

(No reply.)

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Report regarding alleged removal of kerosene and sugar for black-market in Copalganj.

186. Mr. SHAMSUDDIN AHMED KHONDKAR: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether he is aware——

(*i*) of a report of the Assistant Inspector of Jute Regulation, Gopalgunj Circle, against a dealer of the place for unauthorised handling and removal of tins of kerosene and bags of sugar for black-market; and

(*ii*) also of a complaint of a lawyer of the Gopalgunj Bar against a cloth merchant of the place for refusing to sell cloth to him at the price fixed by the Government?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what actions have been taken against them?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes.

(*b*) Item (*a*) (*i*) is under police investigation; item (*a*) (*ii*) was duly investigated by the police who submitted a final report as "mistake of fact". The complainant was duly informed of the result of the police investigation.

Controlled rate of price of paddy in Chittagong Division.

187. Khan Bahadur Haji BADI AHMAD CHOUDHURY: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state——

(*a*) whether any licence is required for stocking paddy in excess of 50 maunds for family consumption;

(*b*) whether any person of the Chittagong district is permitted to purchase paddy from the Cox's Bazar subdivision at the controlled rate of price; and

(*c*) the present Government-controlled rate of price per maund of paddy in the Chittagong Division?

The Hon'ble Mr. H. S. SUHRAWARDY: *(a)* Under the Bengal Essential Foodgrains Possession and Storage Order, 1944, a permit is required for storing rice or paddy in excess of 20 maunds even if it is for family consumption. No permit or licence is however required where a person holds stocks of rice or paddy, if the rice or paddy, as the case may be, has been produced by himself or members of his family with or without the help of paid labour or by his *adhiars*, *bargadars* or *bhagdars*.

(*b*) There is no bar to paddy being purchased in the Cox's Bazar subdivision.

(*c*) The statutory ceiling price for paddy in the Chittagong Division is—

	Rs.	a.
Wholesale traders	8	4
Agriculturists	8	0

Sale of pulses by Government.

188. Dr. SANAULLAH: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) the reasons for selling by sealed tenders 35,000 maunds of various pulses as announced in the *Amrita Bazar Patrika* of 3rd April, 1944;

(*b*) (*i*) the date or dates when,

(*ii*) the place or places whence, and

(*iii*) the agency or agencies through which the said pulses were purchased;

(*c*) the place or places where the said pulses were stored;

(*d*) (*i*) the total amount of loss, if any, incurred, or

(*ii*) the total amount of profit, if any, gained by Government on account of the said pulses; and

(*e*) whether the Hon'ble Minister has taken any steps to ascertain by any qualified food specialist whether the said pulses are at present fit for human consumption?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Because of the poor offtake from the godowns of the Controller of Rationing where they are stored.

(*b*) (*i*) Between March, 1943, to December, 1943.

(*ii*) The lot of 35,000 maunds forms part of substantial stocks procured by Government from various Provinces and it is not therefore possible to assign the source of supply of this quantity.

(*iii*) Government's stocks of pulses were purchased for Government—

(1) by Supplying Provinces, and

(2) by Government's Purchasing Agents, viz., Messrs. Shaw Wallace, M. M Ispahani and Haji Sattar Haji Pir Mohammad.

It is not possible to say through which particular agency this lot of 35,000 maunds was purchased.

(*c*) "X" Shed, Kantapukur; "R" Shed, Kantapukur; 1/1, Chetla Road; 205, Maharsi Debendra Road; 1, Dwarka Nath Ghose Lane.

(*d*) (*i*) It is not yet possible to estimate with any degree of certainty, the total loss involved.

(*ii*) Nil.

(*e*) It was not considered necessary to have the pulses examined by a Food Specialist as they appear *prima facie* to be suitable for human consumption.

Increment of family allowances of security prisoners.

189. Mr. SURENDRA NATH BISWAS: (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether the policy of the Government to increase the family allowances of the security prisoners has been given effect to?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) in how many cases the order for such increment has been passed and given effect to; and

(*ii*) in how many cases such order is yet to be passed?

(*c*) Will the Hon'ble Minister be also pleased to state whether policy of the Government to reconsider the cases for family allowance of those security prisoners, whose petitions for the same stood rejected, has been given effect to?

(*d*) If so, will the Hon'ble Minister be pleased to state—

(*i*) how many of such cases have been reconsidered; and

(*ii*) in how many of them family allowance has been granted?

The Hon'ble Khwaja Sir NAZIMUDDIN: Since the formation of the present Ministry the grant of family allowances has been liberalised and they are now more freely granted not only in the case of proved and absolute necessity but, to a reasonable extent, also in the cases in which the detention of the prisoner has resulted in a loss of legitimate income to his family and dependants. All cases in which allowance had been previously granted have been reviewed in the light of the more liberalised policy and the abnormal increase in the cost of living. Subject to the limitation that the allowances should not exceed the prisoner's ascertained pre-arrest income the allowances in appropriate cases have been increased. Suitable allowance has also been sanctioned in a number of cases in which they had previously been refused. Every case, new or old, in which it is proposed to reject the application for grant or enhancement of the family allowance is submitted to me for orders. The total number of cases reviewed exceeds 1,350. It is not possible to give more detailed figures without an expenditure of time and labour which I am not prepared to ask the department to undertake in the present emergency.

Mr. SPEAKER: Questions over.

No-confidence motions.

Mr. ATUL CHANDRA SEN: Mr. Speaker, I have given notice of a motion expressing want of confidence in the Hon'ble Mr. B. P. Pain, Minister in charge of Communications and Works Department.

Mr. SPEAKER: As many as seven no-confidence motions against the Hon'ble Mr. B. P. Pain, Minister in charge of the Communications and Works Department, have been received from seven members of this House. Under rule 102(*1*)(*a*) leave of the House is necessary. Under rule 102(*2*) I have got to read out the no-confidence motion in the House and then to ask the members who are in favour of leave being granted to rise in their places. That I will do one after another.

Dr. NALINAKSHA SANYAL: Sir, it will probably be convenient to all of us if you allow the respective members to ask for leave and if the motions are of an identical nature you can put all of them together and ask for leave simultaneously.

Mr. SPEAKER: I do not think that will be proper. Mr. Atul Chandra Sen has sent in this motion: "This Assembly expresses its want of confidence in the Hon'ble Mr. B. P. Pain, Minister in charge of the

Communications and Works Department." This motion is in order. As many as are in favour of leave being granted will kindly rise in their places.

(Members accordingly rose in their places.)

The requisite number have risen in their places and the honourable member has got the leave of the House.

Mr. SHAMSUDDIN AHMED KHONDKAR: Sir, I have tabled a motion expressing want of confidence in the Hon'ble Mr. B. P. Pain, the Minister in charge of the Communications and Works Department. I ask for leave of the House.

Mr. SPEAKER: The motion runs thus: "This Assembly expresses its want of confidence in the Hon'ble Mr. B. P. Pain, Minister in charge of the Department of Communications and Works."

As many as are in favour of leave being granted will kindly rise in their places.

(Accordingly members rose in their places.)

The requisite number having risen in their places the honourable member has got the leave of the House.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move the motion expressing want of confidence in the Hon'ble Mr B P Pain, Minister in charge of the Communications and Works Department. I ask for leave of the House.

Mr. SPEAKER: The motion runs thus "This Assembly expresses its want of confidence in the Hon'ble Mr B. P. Pain, Minister in charge of the Department of Communications and Works".

As many as are in favour of leave being granted will kindly rise in their places.

(Members accordingly rose in their places.)

The requisite number have risen in their places and the honourable member has got leave of the House.

Mr. UPENDRA NATH EDBAR: Sir, I beg to move the motion that this Assembly expresses want of confidence in the Hon'ble Mr. B. P. Pain, Minister in charge of the Department of Communications and Works. I ask for leave of the House.

Mr. SPEAKER: The motion runs thus. "This Assembly expresses its want of confidence in the Hon'ble Mr B P Pain, Minister in charge of the Department of Communications and Works."

As many as are in favour of leave being granted will kindly rise in their places.

(Members accordingly rose in their places.)

The requisite number have risen in their places and the honourable member has got leave of the House.

Srijut ASHUTOSH LAHIRI: Mr Speaker, Sir, I beg leave of the House for a motion of no-confidence against the Hon'ble Mr. B P. Pain, Minister in charge of the Communications and Works Department.

Mr. SPEAKER: The motion runs thus: "This Assembly expresses its want of confidence in the Hon'ble Mr B. P. Pain, Minister in charge of the Department of Communications and Works."

As many as are in favour of leave being granted will kindly rise in their places.

(Members rose in their places.)

The requisite number have risen in their places. The honourable member has got the leave of the House.

Maulvi ABU HOSSAIN SARKAR: Mr. Speaker, Sir, I beg leave of the House for expressing want of confidence in Mr. Barada Prasanna Pain Minister in charge of the Department of Communications and Works.

Mr. SPEAKER: The motion runs thus: "This Assembly expresses its want of confidence in the Hon'ble Mr. B. P. Pain, Minister in charge of the Department of Communications and Works."

As many as are in favour of leave being granted will kindly rise in their places.

(Members rose in their places.)

The requisite number have risen in their places. The honourable member has got the leave of the House.

I stated in the beginning that seven no-confidence motions have been received. Six have been disposed of already and I find that the same honourable member, viz., Mr. Dhirendra Nath Datta sent two identical motions. Therefore that need not be put to the House.

The next question is when it should be taken up. May I just enquire whether both Government and the Opposition can come to an agreed date?

Dr. NALINAKSHA SANYAL: Sir, yesterday you said you do not believe in agreement. We leave it to you.

Mr. SPEAKER: Mr. Fazlul Huq, can you give me any suggestion? If you cannot give I would ask Sir Nazimuddin Sir Nazimuddin, can you give me any suggestion about the date?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I suggest that 21st of June, Wednesday, will be a suitable date

Mr. A. K. FAZLUL HUQ: Sir, we are of the opinion that the motion should be disposed of as quickly as possible Tomorrow being a non-official day the only available day would be some day next week and we are of opinion that Tuesday next week, the 20th, should be the day fixed.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I just point out to you and to the Hon'ble Leader of the Opposition that some of our members are not here and it takes now-a-days three or four days for members to come from Chittagong Division. (Dr NALINAKSHA SANYAL: We cannot oblige them.) Now-a-days communications are uncertain and trains are late sometimes as much as 24 hours. (Dr NALINAKSHA SANYAL: Some of us are in jails; they may be released.) The whole object of this is that both sides should be able to mobilise their strength and that is the reason why time-limit of ten days has been given We are not asking for the maximum number of days that is necessary. Last time when the motion was moved six days were allowed and I suggest now that six days may be allowed this time also.

Mr. A. K. FAZLUL HUQ: Sir, I hope you will please bear in mind that these motions have been tabled by the Opposition and all other things being equal the convenience of the Opposition should be consulted first. Now, the proposition that the Leader of the House has laid down as regards the inconvenience of bringing down his people in order to take part in the proceedings applies to both sides of the House. We have got ten of our men clapped in jail and he being the Member in charge of the Home Department can make it convenient for us to allow those members to come here and take part in the voting and if necessary to go back. If that is accepted we will accept any day that the Leader of the House may suggest. As at present advised we stick to our decision that it should be Tuesday, and, Sir, I am afraid if a longer date is given many things will happen of a questionable character in the meantime.

Mr. SPEAKER: I think the Hon'ble Sir Nazimuddin has asked——

Dr. NALINAKSHA SANYAL: Let us hear about the appeal as regards the release of 10 members.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, if we had not released 11 members of the Opposition they would not have been able to move that motion today.

Mr. A. K. FAZLUL HUQ: On this point it is not Sir Nazimuddin who has released them. It is the police. He does not know who have been released.

Mr. SPEAKER: The question is what date should be allotted. It is entirely within my discretion.

Dr. NALINAKSHA SANYAL: In that connection may I submit——

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order In the previous discussion on this subject the Speaker said that it was a matter between the Leader of the Opposition and the Leader of the House This question is being discussed and you have consulted the Leader of the Opposition and the Leader of the House and how can other members get up and make their submissions?

Dr. NALINAKSHA SANYAL: I do not certainly pose or pretend to pose or claim to be either but I have my right to bring to your notice one important fact in this connection. Thursday is a public holiday on account of Ratha Jatra and if the debate continues for more than one day as it is bound to happen because there are seven motions then, Sir, I am afraid the fixing of Wednesday will automatically mean going over to the next week Between the day of the motion and voting there should not be a long interval. This is my submission, Sir. Whichever day is fixed, it should be possible for us to go to vote on the following day

Mr. SPEAKER: Is it a fact that Thursday is a holiday?

Mr. KIRAN SANKAR ROY: Yes, on account of Ratha Jatra.

Mr. SPEAKER: It is a matter entirely for my discretion Therefore I think that it is only fair that the parties should be allowed to mobilise their strength When the Opposition tables a motion they are generally a bit prepared There is no doubt about it Therefore I think that it is only desirable that Government should have sufficient facilities to mobilise their strength. I fix Wednesday, the 21st instant (Dr. NALINAKSHA SANYAL: Although Thursday is a holiday?) as the day for the discussion of this motion.

Yes, Khan Bahadur.

Adjournment Motion.

Khan Bahadur Haji BADI AHMED CHOWDHURY: Mr. Speaker, Sir, আমি প্রস্তাব করিতেছি—

Mr. SPEAKER: খান বাহাদুর সাহেব আপনি শুধু আপনার motionটা পড়ে বলুন যে আমি leave চাইছি।

Khan Bahadur Haji BADI AHMED CHOWDHURY: Sir, leave তো আমি পূর্ব্বেই চাহিয়াছি।

(Noise and interruptions.)

Mr. SPEAKER: আপনি কি বলছেন শুনতে পাওয়া যাচ্ছে না। আপনি মাইক্রোফোনের ওখানে যান।

Khan Bahadur Haji BADI AHMED CHOWDHURY: বৎসরের প্রারম্ভেই চট্টগ্রামে দুর্ভিক্ষ—

Mr. SPEAKER: আপনি গোড়ার কথা ছেড়ে মোট-কথা পড়ে দিন। আপনি leave চেয়েছেন?

Khan Bahadur Haji BADI AHMED CHOWDHURY: হাঁ, স্যার, আমি leave চাহিয়াছি।

[The motion runs thus: "This Assembly do now adjourn to consider a definite matter of urgent public importance, namely, the high price of rice and paddy prevailing in Chittagong."]

Mr. SPEAKER: I am now to read the statement. The short statement runs thus: "On my way home from the Assembly yesterday, I have received from Maulvi Abdul Kader of Chittagong a copy of the report of Babu Manoranjan Sen which is published in the 'Peoples War,' Volume II, No. 48, the censored report of the reporter in it shows that famine has begun in Chittagong and people are dying for want of rice and the extremely high price of it, stopping of free kitchens, want of quinine and medicine in general, want of seeds and bullocks and agricultural implements, and for scarcity of other foodstuff and vegetables owing to shortage of rainfall the situation is so serious that even the *pardanashin* women have been compelled by famine condition to take recourse to mass prostitution.

From the "Calcutta Gazette," 1st June, and 8th June, 1944, which I got yesterday evening, I find that the price of rice in Cox's Bazar is Rs 1-3-4 per seer, whereas in many districts of Bengal As. 5-4 or even less is the price of rice per seer. The "Calcutta Gazette" of 1st June, 1944, page 234, shows that compared with the price of rice towards the end of April last year (1943), this year when the Bengali New Year commenced, the price of common rice records a rise by 150 per cent.

One Lokman Ahmed, Clerk of Bailchari Union Board, has written to me a letter which has been censored, saying that the Union Board has been instructed by the Government not to maintain any death and birth register from 1st June, 1944, the above Union last year recorded 281 deaths from starvation during two months only, namely, July and August, 1943, the total population of the Union is 12,453.

Last night two gentlemen, Maulvi Forrok Ahmed Chowdhury of Broomchara and Munshi Habibur Rahaman, Manager of Ilishia Estate in Chakris, Cox's Bazar, arrived here by Chittagong Mail; they state that the price of rice is 10 *chataks* per rupee in the mofussil areas in Cox's Bazar, Chittagong, but in many places rice cannot be had even at that price

N.B.—More detail will be given and records will be shown in the speech if the motion be allowed."

Is there any objection?

The Hon'ble Mr. H. S. SUHRAWARDY: I am sorry I have to object. I know, Sir, that it is an important matter. I also know that this is not a new matter and this has been pending for some time——.

Dr. NALINAKSHA SANYAL: On a point of order, Sir Is he speaking on the character of the motion and what he has been doing?

Mr. SPEAKER: That is no point of order.

The Hon'ble Mr. H. S. SUHRAWARDY: Although, Sir, you have given your consent I would request you to disallow it, because this is not a new matter. This has been going on for some time. You know, Sir, that this matter has been under consideration and has been mooted in the House on several occasions.

Rai HARENDRA NATH CHAUDHURI: All this is in reply.

Khan Bahadur MOHAMMED ALI: Sir, you have admitted the motion. Now you have to see whether the motion is in order——

Mr. SPEAKER: Order, order. I know the procedure. The Hon'ble Minister has not only objected but he has made his submissions about the admissibility. He is perfectly entitled to do so. I have given my consent and I do not think that I should disallow it. In fact, the statement and the Government report show that the price is gradually rising, and that is why I have allowed it.

Those who are in favour of the motion will kindly rise in their seats. (Some members rose in their seats.) The requisite number of members has risen in their seats. The honourable member has got the leave of the House.

The only point that remains for consideration is the time to be fixed for its discussion. There is only one point which I would like to know. The closure matter is pending for a very long time It will be finished in a short time I think I should fix the time for discussion of this motion after that. I would like Mr. Suhrawardy to say as to how long he proposes to take.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, although I said yesterday that I would take 15 minutes more I shall have to take a little bit longer today. Taking into account that a quarter of an hour will be spent for prayer, I would suggest that I should be allowed to speak till 6 p.m

Dr. NALINAKSHA SANYAL: In view of this suggestion of the Hon'ble Minister, namely, that he would speak till 6 p.m. we feel that there is no other alternative than to take up the adjournment motion straightaway and after the adjournment motion is disposed of if any time is left he can take half an hour's time Let us first dispose of the adjournment motion from 5-20 p.m to 7-20 p.m. Then there will be a prayer adjournment for 15 minutes. After that from 7-35 p.m. he can speak as long as he likes

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the honourable member cannot anticipate the decision of the House. If the House carries the adjournment motion then I shall not be able to speak

Mr. SPEAKER: We have 15 minutes for prayer after 5-30. So the Hon'ble Mr. Suhrawardy will get 25 minutes only. I therefore fix 6 p.m. for the adjournment motion.

GOVERNMENT BILL.

Bengal Secondary Education Bill, 1944.

Point of order on the closure motion.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, a point of order has been raised that in the case of great disorder the Speaker has no option but to adjourn or suspend the House until such time as the business of the House can be continued with decorum. Says Mr. Syamaprasad Mookerjee that the only honourable course for the Speaker is to adjourn the House, and to proceed when the House can be conducted in a businesslike way. Therefore, Sir, when a party is determined not to conduct the House in a businesslike way, the Speaker should go on adjourning the House until there is some kind of settlement between the forces of disorder and those of order. To my mind, it is unjustifiable; this will not be preventing the minority from being tyrannised by the majority but supporting the minority in tyrannising over the majority. The minority at some time or other must succumb to the will of the majority. This is democratic procedure—a

procedure which we hope in course of time, will be changed into an agreement or a pact between the majorities and the minorities, which system forms the basis of our cherished goal, namely, Pakisthan, but until that day arrives I am afraid the Opposition must continue to abide by the rules of English democracy and that if the Opposition goes beyond the limits justified by the occasion it must suffer the consequences. Says Mr. Mookerjee the law does not permit you, Sir, to take drastic action or to bring in police inside the Chamber. And then the statement is backed by the rumble of a threat which may well proceed from a mountain in labour. But Mr. Syamaprasad Mookerjee's attitude is wrong; you, Sir, have not only the right to bring in police when required but it will be your duty to do so particularly when the dignity of the House and of the Chair are in jeopardy. I shall place before you an account of at least one instance from the Hansard. In March, 1901, when the House was sitting in committee the House came to a certain decision to close the debate. The decision was challenged. The Chairman of the committee stated that he could not re-open the decision of the House. This was disobeyed. The members refused to go into the lobbies when division was called. The Speaker was sent for and the Speaker then took certain action. I think, Sir, that as it appears that the Opposition are determined to lower the prestige and dignity of the House and of the Chair, it will be useful if I repeat the account from the Hansard as well as from Ullswater's Memoirs. Before I do so, Sir, however, I would like to remind you that a conference was convened by the President of the Central Legislature at which Speakers of the various Provincial Legislatures were present and it was definitely decided that the President and the Speaker had the inherent right to call in police and to eject members who proved recalcitrant and who refused to obey the order of the Chair to withdraw from the Assembly. I now refer you, Sir, to the Hansard, Volume 90, page 692. How the members were removed is fully explained in Lord Ullswater's Memoirs in Volume I at page 308. It runs thus:—

"Mr FLAVIN: May I be permitted to point out that we feel it our duty to protest against the manner in which all the Irish votes have been closured without a single Irish voice having been heard

The CHAIRMAN: Order, order. It is not possible to go back on the decision of the House. The House has already decided that the question should be put and it is my duty to put it.

An HONOURABLE MEMBER: It is our duty not to divide.

The CHAIRMAN: It is impossible to carry on this discussion

And then the Chairman sent for the Speaker, and the Speaker resumed the Chair and then the Chairman pointed out and reported the matter to the Speaker that during the course of the division on the question the Irish members not having gone out they had disobeyed the rules of the House. He referred to certain members by name and many others whose names he had omitted, proclaimed themselves and then the Speaker said: 'The order having been made for clearing the House it is the duty of every member in accordance with that order to clear the House for the purpose of a division. I must remind the honourable members that they are breaking the rules of the House in not clearing for a division. I must ask them whether they still persist in refusing to leave the House.

Several HONOURABLE MEMBERS: We will not.

Mr. SPEAKER: I name you, Mr. Crean, Mr. Flavin, etc.'

Then the motion was put and they were suspended, and then the Speaker directed the members to withdraw, and they refused to withdraw. Then Mr. Speaker said:—

'The Sergeant-at-Arms will see that the Orders of the House are obeyed, and that adequate force is used if it becomes necessary to compel the

honourable member. I must call the names of the honourable members in order and I must ask the messenger to see that they are removed if they will not withdraw I call upon Mr. Crean to leave the House.'

Mr. Crean not having left the House, he went on naming in this manner until a gentleman called Mr M'Hugh was named. He replied: 'I refuse to go.'

'Mr. SPEAKER: This scene is as distressing to an Englishman as it can be to any Irishman

Mr. M'HUGH: Why are we gagged?

Mr. SPEAKER. I appeal to the Honourable Members to have some respect for the dignity of the House to which they belong.

Mr. M'HUGH: We are absolutely defiant and we will defy even the Chair and the Government

Mr. FLAVIN: May I point out, Sir, that in your absence a vote of 17 millions of money was closured without a single Irish member having taken part in the discussion. Mr. M'Hugh was removed. Similarly another member, Mr Patrick White was asked to leave the House

Mr. PATRICK WHITE: I shall not leave the House.

Mr SPEAKER: The Honourable Member must be removed '

Mr Patrick White was removed How he was removed I shall state later, and I shall finish this with Mr P. O'Brien. Mr. P. O'Brien proceeded to speak and he appealed to the Speaker He said: 'I think by allowing the House to be now adjourned we might meet in a better temper all round tomorrow. If that suggestion cannot be adopted then I see no other alternative to every member on these Benches being forcibly removed I hope you will see your way to offer some suggestions, Sir '

'Mr SPEAKER: the only suggestion that I can possibly make is that honourable members whether they agree with the course that has taken in the House or not should respect the order of the House first An order having been made and a division called and the honourable members having been named for refusing to proceed to the lobby they should retire from the House decently. A protest may be made on a proper occasion but their duty now is to retire peacefully' "

That is the position, Sir, I would ask you to note How they were removed, I would refer to Ullswater, Volume 1, page 308: "It so happened that during the evening the discussion ranged round the Education Vote and so on and so on " He goes on reciting what I have told you and then he says - "it then became the duty of the Speaker to carry out the decision of the House unanimously come to——

Mr. I. D. JALAN: On a point of order, Sir. Is the Hon'ble Minister in order to discuss as to what the Speaker should do in dealing with the recalcitrant members?

Mr. SPEAKER: That is exactly the point that was raised by Dr. Syamaprasad Mookerjee. It is now time for prayer and I must adjourn the House.

(At this stage the House was adjournment for 15 minutes)

(After adjournment)

The Hon'ble Mr. H. S. SUHRAWARDY: "It then became the duty of the Speaker to carry out the decision of the House unanimously come to. Again he tried persuasion, but failing in this, ordered the Sergeant-at-Arms to remove the offenders." I find that the offenders in this House have discreetly disappeared so that they may not know what should befall them. "This was equally unsuccessful and even when the Sergeant called in the

assistance of some of his stalwart messengers, he failed to dislodge the recalcitrants. The Speaker was thus placed in a great difficulty. He had either to see the order of the House disobeyed and set at naught or he had to make use of superior force to compel its observance. He chose the latter and called in the police. Even they had some difficulty in removing the suspended members, for the latter by jamming their legs against the benches in front and their backs against the benches on which they sat, were able to offer a very stubborn resistance. Mr. Flavin, a tall, raw-boned Irish M.P. proved a hard nut to crack, but eventually the House was cleared, the Speaker left the Chair, I resumed my place and the incompleted division was completed".

I think this should suffice to remove any doubts that may exist in the honourable members' mind that they cannot be removed by the police. I do not think it is necessary for me to labour the point further. You know your duty and you know that you have been charged with a responsibility for upholding the prestige of the Chair as well as of the House, and for preventing the Constitution and the Legislature being dragged to ridicule and contempt. We are certain that you will do your duty and as you said yesterday, Sir, and we honour you for it, the fact which party supported you, the fact even of the danger in which you may find yourself in alienating the party that put you into power will not deter you from doing your duty. Bengal, Sir,—in fact, I would say India—is looking to you to see that the Legislature of this Province functions as it ought to function.

We regret the Opposition has deliberately embarked on tactics of obstruction. I would earnestly request the Opposition to realise that nothing can possibly be gained by it. The long drawn-out debates on the preliminary issue of circulation or select committee have failed to penetrate the unlimited patience of Government. As the debate was drawing to a close more direct acts of obstruction have been resorted to and on one point alone discussion has been going on from the 25th May, on one point settled long ago by precedents and decisions of all democratic Legislatures. The work of the Legislature is being frustrated, public money is being wasted day after day, public time is being equally wasted. The Chair has been brought into contempt; the Legislature has been reduced to ineffectiveness. We cannot retrieve the waste of time and money but we can retrieve the power and dignity of the Chair and we can retrieve the effectiveness of the Legislature. To the Opposition I would make an appeal to restore peace too. If they do not wish to do so, perhaps their best place is outside the Legislature but that is for them to decide; and outside the Legislature they may go voluntarily or involuntarily according to the procedure they adopt on the floor of the House. As I said yesterday, the Opposition is entitled to oppose and even to obstruct, but as I said yesterday also, they can do so up to a limit. The question when that limit of obstruction has been transgressed it is for you, Sir, to decide and for the House to decide. In our opinion, Sir, the limit of obstruction has been long past and it is for you, Sir, to take steps now to bring the matter to a conclusion. Without the closure motion being moved you could have closed the debate. It would not have been necessary for you to put it to the House if you found that there had been a sufficiency of debate. Alternatively, Sir, you could even have come to such a finding; you could have taken the opinion of the House on the matter and put the closure motion to the House. But in this case you have meticulously observed all the various points of procedure; you have come to a finding regarding sufficiency; you have put the closure motion to the House; you have taken the opinion of the House and the closure motion has been carried. Nothing now remains to be done but to proceed to put the motions one after the other to the House.

Before I sit down, Sir, I should like, if you will permit me, to reply to the appeal made by Mr. Syamaprasad Mookerjee who unfortunately is not here to make an attempt to clear up differences, to sit round a table in

a cool and calm atmosphere and to ask ourselves as Bengalis, as Hindus and Muslims anxious for the welfare of the Province how we can settle these difficulties which seem insuperable for the time being. Sir, let me place my point of view that nothing will please me better than put up an agreed Bill, if we can devise something by which our differences, apparently insuperable and insurmountable can be got over. I am sure you must realise that we are anxious and must be anxious to secure as much support from the country as possible. We too are Bengalis. It has pleased the Almighty Providence to place the government at least to a partial extent in our hands, and we should be failing in our duty if we were not to discharge this task in the interest of all concerned and if we did not try to reconcile the differences between various sections in the Province. Mr. Mookerjee wants the offer that we should sit again and talk to him. We are ready to do so in a spirit of compromise, not in the spirit that Mr. Mookerjee will take and we shall give; but in a real spirit of reconciliation. We have found unfortunately that we have gained little by postponement for purposes of deliberation. The day for consideration only has been put off and no advance has been made towards mutual understanding. We are, Sir, therefore, without committing ourselves to any postponement of the Bill, prepared to sit with the Opposition day in and day out to consider the various points of dispute. We are prepared to sit on all holidays, on all days the Assembly does not function and every morning when the Assembly sits in the afternoon, and discuss these matters of difference with the Opposition. We are prepared, Sir, even to suspend our daily duties of the administration for this purpose. I make this offer in the hope that by mutual consultation some method may be found which will make the Bill more palatable to my friends in the Opposition.

Mr. SPEAKER: There are only four minutes left.

Khan Bahadur MOHAMMED ALI: Then give your ruling.

Mr. SPEAKER: I cannot give my ruling in four minutes' time.

The House stands adjourned for four minutes.

(The House was accordingly adjourned for 4 minutes.)

(After adjournment.)

Adjournment motion.

Khan Bahadur Haji BADI AHMED CHOUDHURY: Sir, আমি প্রস্তাব করিতেছি যে, বৎসরের প্রারম্ভেই চট্টগ্রামে দুর্ভিক্ষ দেখা দেওয়ায় অনাহারে মৃত্যু আরম্ভ হওয়ার দরুণ চট্টগ্রামের চাউলের দর বাঙলার অন্যান্য জেলার তুলনায় শতকরা ৩৫৲ টাকা বৃদ্ধি পাইয়া চট্টগ্রাম বিভাগের চট্টগ্রাম ও নোয়াখালি জেলায় যে নূতন পরিস্থিতির উদ্ভব হইয়াছে ইহা জনসাধারণের পক্ষে বিশেষ জরুরী ও urgent ব্যাপার হইয়া পড়ায় এই বিষয়ের আলোচনার জন্য এসেমব্লির আর সকল কাজ স্থগিত করা হউক।

আমি চট্টগ্রামের দুর্ভিক্ষের কথা অনেক দিন হইতেই আলোচনার জন্য চেষ্টা করিতেছি কিন্তু কার্যাবশতঃ হইয়া উঠে নাই। আজ মাননীয় স্পীকার মহোদয়ের অনুগ্রহে চট্টগ্রামের দুর্ভাগ্যের কথা বলার সুযোগ লাভে নিজেকে ধন্য মনে করিতেছি এবং মাননীয় স্পীকার মহোদয়কেও ধন্যবাদ প্রদান করিতেছি। (Dr. ABDUL MOTALEB MALIK: আপনি ত ধন্য হইয়া আছেনই)। (Noise and laughter.) এটা আমার নিজের ব্যক্তিগত কোন বিষয় নয়, দেশের এবং দশের ব্যাপার লইয়া কথা, আপনারা অনুগ্রহ করিয়া হট্টগোল না করিয়া শুনুন।

খালি আমার মুখের কথা বাদ দিয়া, চট্টগ্রাম হইতে যে সমস্ত সংবাদ আমার নিকট আসে—তাহা বাদ দিয়া আমি গভর্ণমেণ্টের গেজেট হইতে কয়েকটী জিনিষ পরিষদের সভ্যগণের নিকট পেশ করিতেছি—

গেজেটে ৬ই এপ্রিল তারিখে দেখা যায় চট্টগ্রামে চাউলের মূল্য—টাকায় ৴২॥০ সের ১৩ই এপ্রিলের গেজেটে দেখা যায়—চট্টগ্রামে চাউলের মূল্য টাকায় ৴২।০ সের। অথচ মাননীয়

সিভিল সাপ্লাই বিভাগের মিনিষ্টার কি সত্যের উপর বা নিজ ইচ্ছার উপর নির্ভর করিয়া যে একটা statement জারি করেন ১২ই এপ্রিল তারিখে তাতে দেখা যায় চট্টগ্রামে চাউলের দর প্রতিমণ ১৪৲ টাকা ৸০ আনা অর্থাৎ টাকায় ৴৩ সের। Sir, তাঁর সেই order পেঁছার পূর্ব্বেই গভর্ণমেণ্টের প্রস্তাব কার্য্যে পরিণত করার বিশেষ প্রয়োজন ছিল। কিন্তু আমি জিজ্ঞাসা করিতেছি—চট্টগ্রাম জেলার S. D. O. রা, দারগা ও চৌকিদারেরা, ইউনিয়ন বোর্ডের প্রেসিডেণ্টরা এবং জমিদার প্রভৃতিরা টাকায় ৴৩ সের দরে চাউল যাতে বিক্রয় হয় সেজন্য কি করিয়াছেন?

The Hon'ble Mr. H. S. SUHRAWARDY : Sir, may I ask in what language the member is delivering his speech?

Mr. SHAH SYED GOLAM SURWAR HOSAINI : Sir, এটা সেই প্রদেশের ভাষা, যে প্রদেশের Minister মিঃ সহিদ সুরাবর্দী। উনি যে নিজ প্রদেশের ভাষা বুঝ্‌তে পারেন না, এটা অতি লজ্জার বিষয়।

Mr. NISHITHA NATH KUNDU : We all know that the Hon'ble Mr. Suhrawardy has got a very scanty knowlege of the language of the province.

Mr. SPEAKER : Yes, he speaks in Bengali but his pronunciation is a bit different. আপনি বলুন খান বাহাদুর সাহেব।

Khan Bahadur Haji BADI AHMED CHOWDHURY : Sir, Civil Supply বিভাগের Minister হইয়া Mr. সুরাবর্দী সাহেব আমার বক্তৃতা বুঝ্‌তে পারেন না। তিনি বিদেশী ইংরাজের ভাষায় নিজে কথা বলেন এবং ইংরেজদের কথাও তিনি বেশ বুঝিয়া থাকেন, তাঁর নিজের দেশবাসীর কথা তিনি বুঝ্‌তে পারেন না। মাননীয় মিনিষ্টার টাকায় ৴৩ সের চাউল বিক্রয় হইবে অর্ডার দিবার ফলে চাউলের দর টাকায় ৴১ সের পর্য্যন্ত হয়। এবং ২৭শে এপ্রিল তারিখের ঘোষণায় দেখা যায় টাকায় ৴১॥০ সের। ৪ঠা মের গেজেটে ঘোষণা করা হয়—চট্টগ্রামে চাউলের দাম এক সের এক পোয়া হইতে এক সের তিন পোয়া। ১১ই মের গেজেটে দেখা যায় চাউলের দর ৴১ সের হইতে ৴১৸০ পোয়া। ১লা জুন ৴১ সের হইতে ৴১॥০ সের, কিন্তু ১লা জুনের কাগজের ২৩৪ পৃষ্ঠায় দেখা যায় চাউলের দর ৴৸০ ছটাক টাকায়। গত বৎসরে অর্থাৎ ১৯৪৩ সনের ১লা এপ্রিলে দেখা যায় চাউলের দর ছিল ৴১৸০ ছটাক। আর বর্ত্তমানে টাকায় মাত্র ৴৸০ ছটাক।

বর্ষা আরম্ভ হইবার প্রারম্ভেই আজ চট্টগ্রামে চাউলের কি অবস্থা আপনারা নিজে নিজেই হৃদয়ঙ্গম করুন। চট্টগ্রাম বাংলাদেশের জেলাগুলির মধ্যে একটা জেলা। যদি মাননীয় Civil Supply Minister মহোদয় চট্টগ্রামের ভাষা না বোঝেন, এবং যদি চট্টগ্রামের অবস্থা অবগত হওয়ার জন্য চট্টগ্রাম যুদ্ধের স্থল বলিয়া সেখানে স্বয়ং যাইয়া অবস্থাটা অবগত হইতে তাঁর প্রাণের ভয় থাকে তাহা হইলে তিনি চট্টগ্রাম বিভাগের ভার অন্য কোন Ministerএর হাতে ছাড়িয়া দিন। (Hear, hear.) আর যদি চট্টগ্রাম বাংলাদেশের মধ্যেই একটা জেলা বলিয়া ধরা হয় তাহা হইলে আজ গভর্ণমেণ্টের পক্ষের ও বাংলাদেশের নেতাগণ চিন্তা করিয়া দেখুন যখন বাংলাদেশের অন্য সব জেলায় চাউল টাকায় ৴৩ সের দরে বিক্রয় হয়, তখন চট্টগ্রামে টাকায় ৴১ সের দরেও চাউল পাওয়া যায় না কেন? (A voice from the Government benches: একথা ঠিক নয়।) (Mr. SANTOSH KUMAR BASU: ওসব ইয়ারকি ছেড়ে দিন।) ঠিক কিনা আমি গভর্ণমেণ্টের গেজেট হইতেই দেখাইতেছি। যাঁরা গোলমাল করিতে চান তাঁরা অনুগ্রহ করিয়া বাইরে যাইয়া বসুন। আমি যে বিষয়টা বলিতেছি—তাহা আমার জেলাবাসী

লোকদের জীবনমরণ সমস্যা। আমি এখানে বাংলাদেশের অন্যান্য জেলার চাউলের দরের সঙ্গে চট্টগ্রামের চাউলের দরের তুলনাটা দিতেছি।

মালদায়—টাকায় ৴৩॥০ সের চাউল।
বগুড়ায়—টাকায় ৴৩॥০ সের চাউল।
জলপাইগুড়ি—টাকায় ৴৩॥০ সের চাউল।
রঙ্গপুর—টাকায় ৴৩॥০ সের চাউল।
দিনাজপুর—টাকায় ৴৩॥০ সের চাউল।
রাজসাহী—টাকায় ৴৩।০ সের চাউল।
পটুয়াখালি—টাকায় ৴৩॥০ সের চাউল।
পিরোজপুর—টাকায় ৴৩ সের চাউল।

কিন্তু চট্টগ্রামে যে দরে চাউল বিক্রয় হইতেছে তাহাতে হিসাব করিয়া দেখা যায় যে, ৴১ সের চাউলের মূল্য ১।৴৩ পাই। এ বিষয়ে বাংলার অন্যান্য জেলার সঙ্গে তুলনা করিলে চট্টগ্রামে টাকায় মাত্র ৴৮৴ চটাক চাউল, এই দরটা কি নেহাত বেশী বলিয়া আপনাদের মনে হয় না? অর্থাৎ বাংলার অন্য দেশের চাউলের দরের অপেক্ষা চট্টগ্রামের চাউলের দরে বাম দিকে একটা অঙ্ক বেশী। অঙ্কের বামদিকে কিছু একটা বসিলেই অত্যন্ত বেশী হইয়া পড়ে। এই অবস্থায় মন্ত্রী মহোদয়ের বেতন হইতে বামদিকের অঙ্কটা বাদ দিয়া দিলে কি দাঁড়ায়—তিনি যেন একবার বিবেচনা করিয়া দেখেন। (Hear, hear.) চট্টগ্রামে এক সের চাউলের মূল্য ১।৴৪ পাই কিন্তু অন্য জেলায় চাউলের দর শুধু ।৴৪ পাই। এই অবস্থায় চট্টগ্রামের লোকের কি দুরবস্থা তাহা কি আপনারা অনুমান করিতে পারিতেছেন না? এখানে আড়াই শত মেম্বর আছেন, ১৩ জন মিনিষ্টারের ১৩ জন পার্লামেণ্টারী সেক্রেটারী আছেন, প্রত্যেকেই প্রজেক্ট পড়েন, প্রজেক্টের ঘোষণাই আমার বক্তৃতাতে দেখাইতেছি, এ অবস্থায় মাননীয় সিভিল সাপ্লাই মিনিষ্টার ও তাঁর department কি করিতেছেন? অবশ্য তাঁকে আমি দোষারোপ করিতে পারি না, তিনি সমগ্র বাংলাদেশের যে একটা বৃহৎ কার্যভার নিয়াছেন তন্ন তন্ন করিয়া তাঁর পক্ষে সব দেখা সম্ভব নয়। চট্টগ্রামে চাউলের মণ প্রতি ঘোষণা করা হইয়াছে ৩২৲ টাকা—তাঁদের কাগজেই ৩২৲ টাকা যেখানে ১৮৲ টাকা মণ বাংলার পক্ষে প্রযোজ্য, এইরূপ ভারি করা দিন দুপ্রহরে ডাকাতি করার সামিল। এরূপ কাজ বাংলা গভর্ণমেণ্টের পক্ষে কতদূর অন্যায় তাহা আর আমি বলিতে চাই না। এখন আমরা প্রজেক্টকেই বিশ্বাস করিব, না সিভিল-সাপ্লাই ডিপার্টমেণ্টের কথাতেই বিশ্বাস করিব? বাংলা গভর্ণমেণ্ট আজ বাংলার জনমতের বিরুদ্ধে চলিবার চেষ্টা করিতেছেন। কিন্তু আমি গভর্ণমেণ্টকে স্পষ্টই বলিতেছি—আপনাদের মুখের কথায় বাংলাদেশ ভুলিবে না—বাঙ্গালী ভুলিবে না। আমি এ বিষয়টা নিয়ে প্রথম যখন এসেম্বিতে উপস্থিত হই তখন মাননীয় সিভিল সাপ্লাইয়ের মন্ত্রী মহোদয়ের নিকট উপস্থিত হইয়া দেখি—তিনি সাধারণ লুঙ্গিপরা কত লোকের সঙ্গে আলাপ করিতেছেন (Hear, hear.) আমার সঙ্গে মাত্র এক মিনিট দাঁড়াইয়াও আলাপ করিলেন না। (Mr. ABU HOSSAIN SARKAR: আপনি যদি লুঙ্গি পরা ঐ সব দলের কিম্বা সাহেব হতেন তবে ঘণ্টার পর ঘণ্টা দেখা করতেন।) সেটা আমার জানা ছিল না। তারপর মাননীয় গভর্ণর সাহেবের নিকট যখন যাইয়া উপস্থিত হই, এবং তাঁর নিকট সমস্ত জেলার চাউলের বিবরণটা প্রচার করি, তখন গভর্ণর মহোদয় আমাকে সম্পূর্ণ আশ্বাস দেন এবং বলেন—আমি আপনার রিপোর্ট "সিভিল সাপ্লাইয়ের মিনিষ্টারের নিকট পাঠাচ্ছি, আপনি তাঁদের সঙ্গে দেখা করুন।" আমি মিনিষ্টার মহোদয়ের একজন কালা সেক্রেটারী—নাম ঠিক মনে পড়িতেছে না—মামুদ কিম্বা ঐ রকম একটা কিছু হইবে।

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. He referred to one of my Secretaries as a "হালা" Secretary.

Khan Bahadur Haji BADI AHMED CHOUDHURY: আমি "হালা" বলি নাই, "কালা" বলিয়াছি।

Mr. SPEAKER: Mr. Suhrawardy, he said "কালা" which means black or dark.

The Hon'ble Mr. H. S. SUHRAWARDY: This is an abusive epithet. I would request you to expunge it from the proceedings.

Khan Bahadur Haji BADI AHMED CHOUDHURY: আমি আবার বলিতেছি যে আমি শুধু "কালা' বলিয়াছি।

Mr. SPEAKER: Order, please. Now I understand from him that he has said "কালা" which means black, dark.

The Hon'ble Mr. H. S. SUHRAWARDY: And that is the reason why I suggest that he should be called upon to withdraw it. I think he should not say that "this Secretary is black" or "that Secretary is white".

Mr. SPEAKER: No, no. He did not mean that.

Khan Bahadur Haji BADI AHMED CHOUDHURY: কালাকে কালা বল্‌লে অপমান হয় এ আমার জানা ছিল না।

Mr. ABDULLA-AL MAHMOOD: I rise on a point of order, Sir. The honourable member who is moving this adjournment motion was speaking something about Secretaries. He must speak distinctly if he wants to make any allegation or any reference to any of the Secretaries or any member of this House. I understand that a reference was made to me. What I want to submit is that while a descendant of the actual white race is moving an adjournment motion, he should speak distinctly

Mr. SPEAKER: That is no point of order

Khan Bahadur Haji BADI AHMED CHOUDHURY: আপনি কি বলিতেছেন আমি বুঝিতে পারিতেছি না। আপনি বাংলায় বলুন। (Rai HARENDRA NATH CHAUDHURI: ওঁরা সব সাহেব সুবার দল বাংলা জানেন না।) (At this stage the red light was lit.) Sir, আমাকে আর ১৫ মিনিট সময় দিন। যাহা লইয়া এত গোলমাল হইতেছে—আমি সে কথা বলি নাই। আমি কাহাকেও শালা বলি নাই। আমি "কালা সেক্রেটারী" বলিয়াছি। অনর্থক গোলমাল করিয়া আমার বক্তব্য উঁহারা বলিতে দিতেছেন না। আমাকে আরো কিছু সময় দিন।

Mr. SPEAKER: আইনতঃ তা দেওয়া যায় না।

Khan Bahadur Haji BADI AHMED CHOUDHURY: আমি, Sir, আপনার কাছে প্রার্থনা করিতেছি,—আমি অত আইন জানি না। আমাকে দয়া করিয়া অরো কিছু সময় দিন।

Mr. SPEAKER: আইন অনুসারে এরূপ ক্ষেত্রে ১৫ মিনিটের বেশী কাউকে বলতে দেওয়া হয় না।

Khan Bahadur Haji BADI AHMED CHOUDHURY: Sir, আমার নির্দ্দিষ্ট সময়ের অনেকটা মিঃ সুরাবর্দী সাহেব বাজে তর্ক তুলিয়া নষ্ট করিয়াছেন। এখানে, Sir, আমি আমার নিজের

কথা বলিতেছি না, দেশের ও দশের কথাই বলিতেছি, দেশের দুঃখের কথা আমাকে যদি বলিতে না দেন আমি থামিব না। সে দিনের মতন আমাকে আপনি বাদ দিতে পারেন।

Mr. SPEAKER : আমার আর সময় দেবার ক্ষমতা নাই। আপনার সময় নষ্ট হয়েছে, আচ্ছা আপনাকে আর দু'মিনিট সময় দিতেছি। এর মধ্যে শেষ করুন।

Khan Bahadur Haji BADI AHMED CHOUDHURY : ধন্যবাদ। চট্টগ্রামে পূর্ব পূর্ব বৎসরে জন্মমৃত্যু রেকর্ড করিবার যে নিয়ম আছে ইউনিয়ন বোর্ডের দ্বারা রেকর্ড করাইবার, এ বৎসরে সেটা থানা officeএর হাতে দেওয়া হইয়াছে। এ সম্বন্ধে আমার নিকট ইউনিয়ন বোর্ডের যে চিঠি আছে তাহা হইতে আমি দেখাইতেছি। বাজ্রা ইউনিয়ন—সেখানে ১২ হাজার লোকের বাস। গত বৎসর সেখানে মারা গেছে ২৮১ জন অনাহারে। এবৎসরেও অনাহারে মরিতে আরম্ভ হওয়ায় গভর্ণমেণ্টের পক্ষে সেটা কলঙ্ক ও মিঃ সুরাবর্দী সাহেবের পক্ষেও কলঙ্ক, সেই জন্য তাঁরা ঐ অর্ডার দিয়াছেন,—আমার নিকট আরো অনেক——

Mr. SPEAKER : খান বাহাদুর সাহেব, আপনি দয়া করে এখন বসুন।

Maulvi ABDUL WAHED : মাননীয় সভাপতি সাহেব, আমি খাঁ বাহাদুর হাজী বদী আহমদ চৌধুরী সাহেবের প্রস্তাব সমর্থন করতে দাঁড়িয়েছি। আমার প্রথমেই মনে পড়ে একটি গল্প।

একজন ইংরাজ জজ তিনি এক মোকদ্দমার বিচার করলেন। যে পক্ষ হেরে গেল দুঃখে সে বললে "সাহেব যেন XXX মতন।" তখন সাহেব শব্দটি শুনে বললেন, XXX কি? ঐ পক্ষের উকিল সাহেব দেখলেন যে সাহেব ধরে ফেলেছে, কাজেই বুঝিয়ে দিলে XXX শব্দের অর্থ খুব জ্ঞানী, খুব বিজ্ঞ, খুব বুদ্ধিমান। তখন সাহেব বললেন যে আমি আর কত XXX আমার বাপ ছিলেন আরও বড় XXX, আমার দাদা ছিলেন আরও XXX. আমাদের মন্ত্রী সাহেবেরও অবস্থা আজ তাই হয়েছে। বাংলাদেশের মন্ত্রী বাংলা শব্দের অর্থ জানেন না, "কালা" শব্দের অর্থ জানেন না; তিনি করছেন "হালা"।

The Hon'ble Mr. TAMIZUDDIN KHAN: On a point of order, Sir. The honourable member has used an expression which is never used as a decent expression and which, I submit, is unparliamentary.

Mr. SPEAKER: I am sorry. I have not heard it.

Rai HARENDRA NATH CHAUDHURI: I submit it is not a word which is objectionable.

Mr. SPEAKER : আপনি কোন খারাপ ভাষা ব্যবহার করবেন না; আপনি বলুন কি বলছেন।

Maulvi ABDUL WAHED : আমি এই প্রস্তাব সমর্থনে কোন খারাপ কথা বলি নাই।

আজকে চট্টগ্রামে চাউলের বাজার হিসাবমত দেখা যায় ৬০৲ টাকায় উঠেছে। এই বিষয়টি আলোচনার জন্য হাজী বদী আহমদ চৌধুরী সাহেব আর একটি প্রস্তাব এখানে উপস্থিত করেছিলেন। সেটি আলোচিত হতে পারে নি। আজকে আবার স্থানীয় লোকের নিকট থেকে সংবাদ এসেছে, দাবী এসেছে, দুঃখের কাহিনী এসেছে, ফলে আবার এই বিষয়ে প্রস্তাব এখানে উপস্থিত কোরেছেন। আজকে বাংলায় লক্ষ লক্ষ লোক না খেয়ে মারা গিয়েছে এবং এখনও যাচ্ছে। আজ বাংলার পাড়াগাঁয়ের জনসাধারণ যারা খাদ্য উৎপাদন করছে, যাদের উৎপাদিত খাদ্য খেয়ে ইঁদুর বাদর থেকে রাজা মহারাজা সকলেই খেয়ে বাঁচছে, বড় বড় লোক সকলেই খেয়ে বাঁচছে, সেই সব উৎপাদনকারীরা আজকে দলে দলে না খেয়ে মারা যাচ্ছে। যাদের ভোটে আজ আমরা

এই পরিষদে উপস্থিত হয়েছি, তাদের শোক, তাদের দুঃখ, তাদের নির্য্যাতন, তাদের উপরে কোথাও অবিচার হচ্ছে, কোথাও অত্যাচার হচ্ছে, সেই সব বিষয় আলোচনা করবার জন্য, রীতিমত প্রতিকার পাবার জন্য, সেই দায়িত্ব নিয়ে আমরা আজ এই পরিষদে উপস্থিত হয়েছি। সেই সব বিষয় আলোচনা করবার প্রাক্কালে মাননীয় মন্ত্রী মহোদয় বলেছেন যে জিনিষটা পুরাণ হয়ে গেছে, এটা নূতন জিনিষ নয়। কাজেই এই পুরাণ জিনিষের জন্য পরিষদের কার্য্য স্থগিত রাখার এবং পুরাণ জিনিষ আলোচনা করার প্রয়োজন নাই। তিনি সেটা মনে করতে পারেন। তাঁদের কার্য্যকলাপের জন্য ৫০ লক্ষ লোক মরে আজ কবরে এবং শ্মশানে পুরাণ হয়েছে, আর দিন দিন নিত্য নূতন মরছে এবং মরার উপক্রম হয়েছে—সেসব বিষয় আলোচনা করাব কোন প্রয়োজন তাঁরা মনে করেন না। কেন করবেন? তাঁদের ত মনে করার কোন দরকার নাই। তাঁরা আজকে বাংলার চাষীদের নিকট হ'তে আইনের বলে তাদের হাড়ভাঙ্গা পরিশ্রমে উৎপন্ন ধান এবং চাল সস্তা দরে গভর্ণমেণ্টের এজেণ্টের দ্বারা নানা জায়গা থেকে, নানা দেশ থেকে, নানা জেলা থেকে খরিদ করে নিয়ে তাঁদের হাতে জমা করছেন কি জন্য? তাঁদের খাবার জন্য, তাঁদের আত্মীয়স্বজনকে খাইয়ে বাঁচাবার জন্য না তাঁদের ভক্তদের খাইয়ে বাঁচাবার জন্য? আমি জিজ্ঞাসা করতে চাই এই যে সস্তা দরে ধান এবং চাল গভর্ণমেণ্টের এজেণ্টরা খরিদ কোরে নিচ্ছেন সেই চাল কেন সস্তা দরে চট্টগ্রামে যাচ্ছে না? কেন চট্টগ্রামের লোক সস্তা দরে চাল পাচ্ছে না? সেই চাল, সেই ধান কোথায় নিয়ে রেখেছে, কেন রেখেছে তার পরিষ্কার একটা জবাবদিহি করতে হবে। আজ বাংলার দরিদ্র জনসাধারণ কৃষক-প্রজার হাড়ভাঙা পরিশ্রমের ধান, চাল তারা কৌশলে সস্তা দরে খরিদ কোরে লুকিয়ে রেখে দেবে আর লক্ষ লক্ষ লোক না খেয়ে মারা যাবে, চট্টগ্রাম জেলা উজাড় হয়ে যাবে, চট্টগ্রাম বিভাগ উজাড় হয়ে যাবে, সঙ্গে সঙ্গে সারা বাংলাদেশ উজাড় হবে, আর তাঁরা এখানে বসে বসে হাসবেন আর আনন্দ করবেন? আমি বলব এই কলিকাতায় গভর্ণমেণ্টের কণ্ট্রোলের দোকান যত আছে, প্রত্যেক দোকান থেকে চাল এনে দেখা যায় তা খাবার উপায় নাই। সে চালের অর্দ্ধেক প্রায় পাথর। এই কলিকাতার প্রত্যেক নরনারী স্বীকার করবেন যে গভর্ণমেণ্টের দোকানের চালের অর্দ্ধেক পরিমাণ পাথর। আর চোরাবাজার থেকে বেশী দরে চাউল কিনলে ভাল চাউল পাওয়া যায়। লাটসাহেবের বাড়ীর যে ছোট ছোট পাথর—যে পাথর চালের সঙ্গে একবর্ণ বিশিষ্ট—সেই পাথর-গুঁড়া আমদানী করা হচ্ছে চালের সঙ্গে মিশিয়ে গভর্ণমেণ্টের কণ্ট্রোলের দোকানে বিক্রী করবার জন্য। সেই পাথর খেয়ে কলিকাতার লোক মারা যাচ্ছে। চালের দরে পাথর বিক্রী হচ্ছে কলিকাতার বাজারে। আর এই বাংলাদেশে, বিশেষ কোরে চট্টগ্রামে, আজকে ৬০৲ টাকা চালের দর হয়েছে। বহু লোক না খেয়ে মরছে। হালের গরু নাই, ঘরের চাল নাই, গাছতলায়ও তাদের স্থান হচ্ছে না। আমি জিজ্ঞাসা করি বাংলা সরকারকে, বাংলা গভর্ণমেণ্টকে, তথা-কথিত মুসলমানের যম মন্ত্রিসভাকে যে এই যে চট্টগ্রামে মুসলমানেরা যমের হাতে মারা যাচ্ছে তার কি জবাবদিহি করবেন? মাননীয় সভাপতি সাহেব! এই মন্ত্রিসভা যখন বিগত হক-মন্ত্রিসভার আমলে ১৫৲।১৬৲ টাকা চালের দর উঠে তখন তাঁরা চীৎকার তুলেছিলেন, নাক ও চোখের জল ছড়িয়েছিলেন—"হায়রে বাংলাদেশ বুঝি গেল"—এই রকমে তাঁদের চোখ থেকে জলের ধারা বয়েছিল। আর আজকে তাঁদের আমলে সেই মন্ত্রিত্ব গ্রহণ করার সঙ্গে সঙ্গে ৮০৲।৯০৲ টাকা চালের দর উঠেছিল এবং তার ফলে ৫০ লক্ষ লোক মারা গেল এবং এখনও বহু লোক মারা যাচ্ছে। আজকে তাদেরই আমলে ৬০৲ টাকা চাউলের দর উঠেছে, এবং এই রকমভাবে চট্টগ্রাম বিভাগের অন্যান্য জেলায় চালের দর আকাশের দিকে উঠছে। আজ তাঁরা কি বলতে চান, কি জবাবদিহি করতে চান? তাঁরা কি ফাঁকি দিয়ে, ধোকা দিয়ে চালাতে চান? বাংলার জনসাধারণকে এইভাবে ফাঁকি দিয়ে চালাবার সাহস

তাঁদের আছে? আজ বাংলার চাষীকে নিত্যব্যবহার্য্য জিনিষ অগ্নিমূল্যে খরিদ করতে হয়। ৫৲ টাকার গরু ১০০৲ টাকা হয়েছে, চার পয়সার লাঙ্গলের ফালের দাম ১৲ টাকা হয়েছে। তারা লবণ পাচ্ছে না, কেরোসিন পাচ্ছে না, কাপড় পাচ্ছে না। ১৲ টাকা দর হয়েছে ১ সের লবণের, তাও পাচ্ছে না। ১৲ টাকার কাপড় ১০৲ টাকা হয়েছে। চার আনার কামলার ৩৲ টাকা দাম হয়েছে। এই রকমভাবে তারা যে সমস্ত জিনিস খরিদ কোরে থাকে ক্রমাগত সেই সমস্ত জিনিসের দর বেড়ে যাচ্ছে। আর তাদের উৎপাদিত জিনিস ধান চালের দর কমিয়ে দিন, তাতে কোন আপত্তি নাই, বাংলার চাষীর পাট—যে পাট নিত্যব্যবহার্য্য জিনিস—যে পাট আজ ৫০।৬০।১০০৲ টাকা দরে বিক্রী হওয়া উচিত ছিল সেই পাটের দর ১৭৲ টাকায় বাঁধা হয়েছে। এই মন্ত্রীরা গোপনে গোপনে বড়লাট বাহাদুরের দরবারে গিয়ে ষড়যন্ত্র কোরে এই ইংরাজ সাহেবদের সন্তুষ্ট রাখবার জন্য ১৭৲ টাকায় উচ্চ দর বেঁধে আসেন। বাংলার চাষীদের যেখানে গলা কাটছে আজ তথাকথিত লীগ মন্ত্রিসভা সেখানে একটি টুশব্দ পর্য্যন্ত করেন না। এইভাবে বাংলার চাষীদের এবং বাংলার জনসাধারণের অহরহ সর্ব্বনাশ করা হচ্ছে। সেই সমস্ত সর্ব্বনাশের জবাবদিহি তাঁদের করতে হবে। তাঁরা বড় চালাক, তাঁরা সর্ব্বদাই চেষ্টা করে থাকেন যখন গুরুতর জিনিষ দুয়ারের সামনে উপস্থিত হয়, যখন এইভাবে অত্যাচার-অবিচারের রোলার চলতে থাকে, যখন জনসাধারণের ভিতর হট্টগোলের সৃষ্টি হওয়ার সম্ভাবনা থাকে তখন তাকে ধামাচাপা দেবার চেষ্টা কোরে থাকেন। আমরা যখন পাটের সর্ব্বনিম্ন দর বেঁধে দেবার দাবী করলাম কৃষক-প্রজা পার্টি থেকে তখন এই মন্ত্রীরা বলেছেন পাটের সর্ব্বনিম্ন দর বাঁধা সম্ভব নয়। যে জিনিসের উচ্চদর বাঁধা সম্ভব হয় সেই জিনিসের নিম্ন দর বাঁধা কেন সম্ভবপর হয় না? আজকালকার বাজারে ২০।২৫৲ টাকা পাটের নিম্ন দর বেঁধে দিলে চাষীরা লাভবান হত। বর্ত্তমানে এক মণ পাট প্রস্তুত করতে যেখানে ২০।২৫৲ টাকা খরচ পড়ে সেখানে ১৭৲ টাকা উচ্চ দর বেঁধে দেওয়া হয়েছে। চাষীর সর্ব্বনাশ করা হয়েছে।

Mr. SPEAKER: পাটের কথা ছেড়ে দিন, চালে আসুন।

Maulvi ABDUL WAHED: চাল কিনবে কি দিয়ে? চাল সস্তা পাওয়া যাবে কোথায়? বাংলার চাষীরা ত সমস্ত ধান চাল গভর্ণমেণ্টের হাতে সস্তায় দিয়েছে। অথচ এই চট্টগ্রামের লোক কেন ৬০৲ টাকায় চাল কিনছে? কেন সস্তায় সেখানে supply করা হচ্ছে না? বাংলার চাষীরা যদি পাট দিয়ে টাকা না পায় তাহলে গরু মরে গেলে সংগ্রহ করবে কি দিয়ে? হাল যদি না চলে আপনা আপনি কি ফসল হবে, আকাশ থেকে কি পড়বে? আজ বাংলার চাষীর ।৵০ আনা হাল বন্ধ হয়েছে, আজ কৃষিক্ষেত্রে মজুরের অভাব হয়েছে। একেই ত ৫০ লক্ষ লোক, কৃষি মজুরকে করবে পাঠিয়ে দিয়েছে, শ্মশানে পাঠিয়ে দিয়েছে, আর যারা কিছু সুস্থকায় ছিল তাদের কতক যুদ্ধক্ষেত্রে চলে গেছে, আর কিছু যুদ্ধের কারখানায় কাজ কোরে যাচ্ছে, আর যারা বাকী আছে সব পঙ্গু, ব্যারাম-ভোগা। আজ কৃষিক্ষেত্রে মানুষের অভাব হয়েছে, গরুর অভাব হয়েছে, লাঙ্গলের অভাব হয়েছে। সস্তা দরে ধান চাল গভর্ণমেণ্ট পাবে কোথায়, দেশ পাবে কোথায়? আমি আজ জিজ্ঞাসা করছি যে ধান চাল বাংলার চাষী গভর্ণমেণ্টের হাতে তুলে দিয়েছে। ৮।১০।১২৲ টাকা দরে যে চাল দিয়েছে সে চাউল কোথায় রেখেছে, চট্টগ্রামে কেন supply করছে না? আজ চট্টগ্রামের লোক কেন খেতে পাবে না, কেন ৬০৲ টাকায় চাল কিনতে হবে? আমি একথার পরিষ্কার জবাব জানতে চাই।

Mr. SHAH SYED GOLAM SARWAR HOSAINI: মিষ্টার স্পীকার, স্যার! খাঁ বাহাদুর হাজী বদি আহমদ চৌধুরী চট্টগ্রাম সম্বন্ধে যে প্রস্তাব উপস্থাপিত কোরেছেন আমি সেই প্রস্তাব সমর্থন করি। চট্টগ্রামে চাউলের দর এবং অন্যান্য প্রয়োজনীয় জিনিস সম্বন্ধে যা বলেছেন এবং

motionএ যে detailsএর উল্লেখ আছে সেই সম্পর্কে আমি নোয়াখালী জেলায় প্রয়োজনীয় জিনিসের মূল্য এই পরিষদের সম্মুখে উপস্থাপিত করছি। স্যার। নোয়াখালীতে গভর্ণমেণ্ট কণ্ট্রোল রেট ঠিক করেছেন ; তবু'ও নোয়াখালীর বাজারে—ছোট বড় প্রত্যেকটা বাজারে—প্রকাশ্যভাবে, এমন কি সরকারী কর্ম্মচারীদের উপস্থিতিতে এবং তাঁদের সম্পূর্ণ জানামতে প্রায় সব জায়গায় প্রায় ২৫।৩০৲ টাকার কমে চাউল পাওয়া যায় না এবং ধান ১৫৲ টাকার উপর প্রতি মণ বিক্রী হয়। কাল আমি দেশ থেকে চিঠি পেয়েছি, সেই চিঠিতে জানিয়েছে যে নোয়াখালীতে লবণ ৫০৲ টাকা মূল্যে বিক্রী হচ্ছে, তবু'ও লবণ পাচ্ছে না। এত অধিক মূল্যে লবণ কিন্‌তে চাইলেও সে মূল্যে লবণ পাওয়া যাচ্ছে না, অর্থাৎ লবণের একান্তই অভাব।

তারপরে সরিষার তৈল নোয়াখালীতে বিক্রী হচ্ছে ৬০৲ থেকে ৮০৲ টাকা পর্য্যন্ত। কেরোসিন প্রতি সের ১৲ টাকা পাঁচ সিকার কমে পাওয়া যায় না, যদিও গভর্ণমেণ্ট ৴৸ পোয়া পরিমাণ তৈলের মূল্য সওয়া চার আনা সাড়ে চার আনা ধার্য্য করেছেন। গভর্ণ-মেণ্টের হুকুম অনুযায়ী পাইকাররা যা পেয়ে থাকে তার অধিকাংশ black marketএ বিক্রী হয়। B. O. C. কোম্পানী ও I. B. P. কোম্পানী কেরোসিনের জন্য সরকারী কর্ম্মচারীদের এবং থানার পুলিশ কর্ম্মচারীদের, District Boardএর Chairman, Subdivisional Officer প্রভৃতিকে সব সময় তোয়াজ দিয়ে তাঁদের হাতে বাধ্য রেখে ইচ্ছামত profiteering চালাচ্ছে। এ বিষয়ে স্থানীয় জনসাধারণ গভর্ণমেণ্টকে বারবার জানান সত্ত্বেও—আমি জানি নোয়াখালীর জনসাধারণ অনারেবল শহীদ সুরাবর্দ্দী সাহেবের নিকট ৫ খানি দরখাস্ত পাঠিয়েছে—তবে তিনি পেয়েছেন কি না জানি না, কিন্তু নোয়াখালীবাসী জনসাধারণকে সেই দরখাস্তের প্রত্যুত্তর দেওয়া হয়নি এবং সেই আবেদন-নিবেদনের আজ পর্য্যন্ত কোন প্রতিকার করা হয়নি। স্যার! চিনি সম্বন্ধে ৸০ আনার কম কণ্ট্রোল রেট থাকা সত্ত্বেও——

Mr. SPEAKER : চিনির কথা Adjournment motionএ কিছু নাই, শুধু চালের কথা আছে। আপনি চিনির কথা বলবেন না, চালের কথাই বলুন।

Mr. SHAH SYED GOLAM SARWAR HOSAINI : স্যার, আমি প্রয়োজনীয় জিনিষের কথা বলছি, আর এই যে চাউল যার অভাবে সমস্ত চট্টগ্রাম ডিভিসন চীৎকার করছে। সঙ্গে সঙ্গে কাপড়ও বিশেষ দরকারী চাউলের মত। Standard clothএর জন্য গভর্ণমেণ্ট আশা দিয়েছেন কিন্তু আশানুরূপ Standard cloth supply গভর্ণমেণ্ট করছেন না। ফলে কাপড়ের অভাবে লোকে মনুষ্য জীবন যাপন করতে পারছে না।

Mr. SPEAKER : আবার আপনি cloth আন্‌লেন কেন। শুধু চাউলের কথাই বলুন।

Mr. SHAH SYED GOLAM SARWAR HOSAINI : মিষ্টার স্পীকার, স্যার! প্রত্যেক সুসভ্য মানবের চাউল যেমন প্রয়োজনীয়, কাপড়ও লজ্জা নিবারণের জন্য সেই রকম প্রয়োজনীয়। সেই কথাই বলছি——

Mr. SPEAKER : আবার আপনি অন্য কথা বলতে লাগলেন। আজকে আমাদের আলোচ্য বিষয় হচ্ছে শুধু চাউলের দাম বেড়ে গেছে, সেই কথা। আপনি চাউলের কথাই বলুন।

Hon'ble Mr. H. S. SUHRAWARDY : আমি মনে করিয়ে দিতে চাই যে পয়লা কথা হচ্ছে যে চট্টগ্রামে চাউলের দর ৬০৲ টাকায় উঠেছে—

Mr. SHAH SYED GOLAM SARWAR HOSAINI : আমি অনারেবল সুরাবর্দ্দী সাহেবকে জানাতে চাই যে, যে যুদ্ধ হচ্ছে তাতে ভারতবর্ষে এবং বাংলায় কি রকম অভাব এবং দারুণ সঙ্কট উপস্থিত হয়েছে। যুদ্ধের তাড়নায় আমাদের দেশে এবং বাংলার বাহিরে অন্যান্য প্রদেশেও ভীষণ

দুর্ভিক্ষ উপস্থিত হয়েছে। এই অবস্থায় চট্টগ্রাম বর্ত্তমানে ভারত সাম্রাজ্যের Eastern Front এবং war zoneএর ভিতর। আজ ৩টা জেলা ঐ ভীষণ অবস্থার সম্মুখীন হওয়ার আশঙ্কা থাকলেও সেখানে মন্ত্রী মহাশয় কি ব্যবস্থা করছেন? মিষ্টার স্পীকার, স্যার! অষ্ট্রেলিয়া দেশের যে জনসংখ্যা চট্টগ্রাম বিভাগের ৩টা জিলার জনসংখ্যা তারই মত, বরং তা থেকে কিছু অধিক সংখ্যায় লোক বাস করে। এই ২৫ লক্ষ লোকের বাসভূমি চট্টগ্রাম, নোয়াখালী, ত্রিপুরা এই তিন জেলায়। ডিষ্ট্রীক্ট বোর্ডের ভোটের সময়ও অনারেবল্ মি: সুরাবর্দ্দী ভুলেও চট্টগ্রামবাসীদের দেখতে যাননি। শুধু ডিষ্ট্রীক্ট বোর্ডের ভোটের জন্য গিয়েছিলেন। স্যার, আজ চট্টগ্রাম বিভাগের কি রকম অবস্থা! আজ চট্টগ্রামে দৈনিক মজুরী ৵০ আনা ।০ আনা অবধি, তার উপরে রোজ নাই। যে জেলায় ৴॥৵০ ছটাক ৴॥৵০ ছটাক চাউল সেখানে একটি দুঃস্থ পরিবার, একটা চাষী পরিবার কি কোরে তার দৈনন্দিন জীবিকা নির্ব্বাহ করতে পারে?

মিষ্টার স্পীকার, স্যার! এর পরিণাম ফল কি হয়েছে? আজ চট্টগ্রাম বিভাগের লোক —চাঁদপুরে যান বা অন্যত্র যান—দেখবেন অসূর্য্যম্পশ্যা রমণীরা অর্থাভাবে ভিক্ষুকে পরিণত হয়েছে। স্যার, গতবার এসেমব্লি prorogued হওয়ার পরে যখন বাড়ী যাচ্ছিলাম তখন ষ্টিমারে দেখি কতকগুলি মেয়েলোক ঘোরাঘুরি করছে, সৈনিকদের নিকট এবং অন্য প্যাসেঞ্জারের নিকট ভিক্ষা করছে তাদের জীবিকা নির্ব্বাহের জন্য। যখন আমি দেখলাম কতকগুলি সৈনিক এবং ষ্টিমারের কতকগুলি লোক সেই মেয়েলোকদের উপর এমনভাবে ব্যবহার করছে যে আমি তখন মনে করলাম যে ষ্টিমারে আমি একা অসহায় আমি কি করতে পারি? মনে হ'ল মিনিষ্টারেরা এসব জিনিস দেখেন না? আমার এই বাংলাদেশের লোক বাংলাদেশের মেয়েদের আমেরিকান, অষ্ট্রেলিয়ান, ইউরোপীয়ান ও ব্রিটিশ soldiersরা চুলে ধরে ষ্টিমার থেকে তাড়িয়ে দিচ্ছে। আমি কি করব? আমার ভিতর খালি ধিক্কার উপস্থিত হয়েছিল। এই অবস্থা, স্যার, লাক্সাম, চাঁদপুর প্রভৃতি স্থানে দেখা যাবে। আজ চট্টগ্রামে কত অসহায়া হিন্দু মুসলমান ছেলে-মেয়ে হা অন্ন, হা অন্ন বোলে চীৎকার করছে। অনারেবল মিনিষ্টার মহাশয় একবার যদি ঘুরে আসেন আমার সঙ্গে একমত হবেন। আজ একটি ঘটনা পরিষদে উপস্থিত করতে চাই; এ বিষয়ের জন্য বাংলাদেশের মানুষ হিসাবে, রক্তমাংসজড়িত মানুষ হিসাবে, প্রতি বাঙালীর মর্ম্মে মর্ম্মে আঘাত লেগেছে। যদি পরিষদের ভিতর সেটা উপস্থিত না করি তাহলে প্রতিকারের আশা নাই। মিষ্টার স্পীকার, স্যার! চট্টগ্রাম বিভাগের নানা জায়গা থেকে আমি অত্যন্ত দুঃখের সহিত, ক্ষোভের সহিত, লজ্জার সহিত জানাচ্ছি যে চট্টগ্রাম বিভাগের কেন্দ্রে, চট্টগ্রাম শহরে ৩০ হাজার নারীকে আজকে এই Ministryর চক্রান্তে কণ্ট্রাক্টরদের দ্বারা আজ বেশ্যা-বৃত্তি করান হয়। (Cries of "Shame, shame".) মি: সুরাবর্দ্দী হাস্তে আরম্ভ করেছেন। পার্লামেণ্টারী সেক্রেটারীগণের মনে কি আনন্দ এসেছে? আজ চট্টগ্রাম সহরে ৩০ হাজার হিন্দু-মুসলমান নারীকে বেশ্যাবৃত্তির সাহায্যে জীবিকানির্ব্বাহ করতে হয়। হিন্দু হিসাবে, মুসলমান হিসাবে তাঁদের কি লজ্জা গিয়েছে? আজ Australian soldiers, American soldiers, British soldiers, Sikh soldiers এই বাংলার নারীকে নিয়ে ছিনিমিনি খেলছে (Cries of "Shame, shame".) ওঁদের ধিক্কার দিচ্ছি, ওঁদের নিন্দা করছি।

মি: স্পীকার, স্যার, আজ অত্যন্ত আক্ষেপের সহিত একথা বলছি, আজ পরিষদে জানাতে বাধ্য হচ্ছি আজ এই দুর্ভিক্ষের তাড়নায়, চাউলের মূল্য বেড়ে যাওয়ায় আজ বাংলাদেশের লোকের নৈতিক চরিত্রের অবনতি হয়েছে, বাংলার অসূর্য্যম্পশ্যা নারীকে রাস্তায় বেরুতে হয়েছে। আজ মন্ত্রিমণ্ডলীর সমর্থকবৃন্দকে জিজ্ঞাসা করি, চট্টগ্রাম বিভাগের মেম্বরদের জিজ্ঞাসা করি, ওঁরা কি চাঁদপুর, লাক্সাম, গোয়ালন্দের অবস্থা জ্ঞাত নন?

Mr. SPEAKER : আপনি স্পীকারকে address করবেন।

Mr. SHAH SYED GOLAM SARWAR HOSAINI : ওঁদের চোখে কি মা বোনের ঐ দৃশ্য পড়ে না, ওঁদের প্রাণে কি বেদনা জাগে না? এই প্রতিক্রিয়াশীল মন্ত্রিমণ্ডলীর সমর্থকগণ কি আত্মসম্মান জ্ঞান হারিয়েছেন? আজ আমি একটা দৃষ্টান্ত দিতে চাই।

আমার দেশের অনেক লোক চাউলের মূল্য বেড়ে যাওয়ায় স্ত্রী-পুত্রকে খাওয়াতে না পারায় আসামের বনে-জঙ্গলে আশ্রয় নিচ্ছে। কিন্তু স্যার সাদুল্লা মিনিষ্টী তাদের স্থান দেন না। মিঃ স্পীকার, স্যার! আমাদের নাজিম মিনিষ্টী আসামের লোককে আজ এখানে ঢোকাচ্ছেন। নাজিম মিনিষ্টী আসামের লোককে প্রতিপালন করছেন। স্যার, আপনার মারফৎ আমি স্যার নাজিম, মিঃ সুরাবর্দ্দীকে জানাচ্ছি বাংলার বাঙালী বুঝতে পেরেছে, হিন্দু যুবক, মুসলমান যুবক বুঝতে পেরেছে—তোমরা আজ যে ধাপ্পার কথা আরম্ভ কোরেছ তা তারা বুঝতে পেরেছে। Burmaর কথা স্মরণ কর। Burmaয় ভারতীয় নির্য্যাতন সহ্য করতে না পেরে সমস্ত Burma যা কোরেছে বাংলার হিন্দু, বাংলার মুসলমান একত্র হয়ে ঐভাবে যদি ঘাড় ধরে বার কোরে দেয় তাহলে সুরাবর্দ্দী, নাজিম তোমরা রক্ষা করতে পারবে না। স্যার, আমার ইউনিয়নে আমার গ্রাম যেখানে সেখানকার ৭৫টি মুসলমান পরিবার আসামে যায়। আসামে তাদের স্থান হয়নি। তারা এসেছে ভিক্ষাবৃত্তি নিয়ে। আমি জিজ্ঞাসা করি পাকিস্থানী নেতাদের, সুরাবর্দ্দী, নাজিমুদ্দীনকে, তোমরা তো পাকিস্থান চিন্তা কর কিন্তু পূর্ব্ব পাকিস্থান নোয়াখালী, চট্টগ্রাম এবং মুসলমান প্রধান ত্রিপুরার বহু মুসলমান ত চলে গেল বনে-জঙ্গলে, কিন্তু হে পাকিস্থানী নেতৃবৃন্দ! হে পাকিস্থান-কামনাকারী! আজ তোমরা এই অসহায় মুসলমানদের জন্য কি কোরেছ? কিছুই করনি।

মিষ্টার স্পীকার, স্যার! আর একটা মর্ম্মন্তুদ ঘটনার কথা বলছি। আমার বাড়ীর নিকট গ্রামের একটি লোক তার পরিবারকে খেতে দিতে পারে না। তার তিন বৎসরের ছোট ছেলে। তার স্ত্রী তাকে বলে যে দেখ, তুমি যদি খেতে দিতে না পার তাহলে ছেড়ে দাও আমাকে। সে তখন অন্যের সঙ্গে আসামে চলে যাবে, কিন্তু তার ৩ বৎসরের শিশু "মা, মা" কোরে জড়িয়ে ধরল। জঠর জ্বালা এরকম যে তখন অপত্যস্নেহ পর্য্যন্ত ভুলে যায়। যখন তাকে কোল থেকে নামিয়ে দিতে পারে না তখন তাকে দা নিয়ে আঘাত করেছে। শিশু "মা, মা" কোরে মাকে ছেড়ে দিলে মা চ'লে গেল। পেটের জ্বালা এরকম হয়েছে। এর জন্য দায়ী কে? এজন্য দায়ী তুমি সুরাবর্দ্দী।

আর একটা দৃষ্টান্ত দিচ্ছি।

Mr. SPEAKER : বর্ত্তমানে চাউলের অবস্থা যা হয়েছে তাই বলুন।

Mr. SHAH SYED GOLAM SARWAR HOSAINI : এই চাউলের দাম বৃদ্ধি পাওয়ায় পরিণামে দেশে যে পরিস্থিতি উপস্থিত হয়েছে তা আপনার সমক্ষে বলা দরকার। শুধু চাউলের দাম বললে কি হবে? চাউলের দাম ত ৬০৲ টাকা থেকে ৮০৲ টাকা হয়েছে। আর মন্ত্রী মহাশয় বলবেন এতে খারাপ কিছুই হয় নি। তিনি সেই যুক্তি আনবেন। তাই চাউলের দাম বৃদ্ধি পাওয়ার জন্য দেশের পরিস্থিতি কোথায় যাচ্ছে সেটা উপস্থিত করা দরকার।

(At this stage the member having reached the time-limit resumed his seat.)

Mrs. NELLIE SEN GUPTA: Mr. Speaker, Sir, although my adjournment motion was not accepted the other day, I am extremely glad to be able to associate myself with my friend Mr. Chowdhury's motion. One thing is very strange about Chittagong. Although the condition is so terrible, it is practically impossible to get any news about Chittagong in the

papers. It is not just that it is forgotten. It is an absolutely deliberate action. I and my friends have many times given reports to the paper but on looking to it the next morning, there is nothing to be found. Now, again a small report will be found of a meeting that the Magistrate has held, but of the grim condition of Chittagong we can never get any news but from the people's mouth and that has given us a true grim state of affairs.

Sir, I need not go into the price of rice. All the friends who have spoken before have said what is the price of rice in Chittagong, but I do sincerely hope that something really will be done. In March last I saw Mr. Suhrawardy about this matter and he gave us hope that although the transport difficulties were very heavy, he would try to help us. Now it is June and the situation is even worse than before. The middle class people are also extremely badly hit in this matter. We hear very ofter of plenty of people making money in Chittagong, but I can tell you that the number of men making lots of money can be counted on one hand. A retired man with a huge family is in a very terrible plight. Last year they sold away whatever they had—their land, their jewellery, their securities and whatever they could sell—to exist. Last year there was a bumper crop; this year the crop is an absolute failure. I hear from people who come from there that there are not even leaves this year and the situation has become extremely grave.

There is also the very sad case of the women. The women suffer even more than the men Many men, especially fishermen, died last year, but their women and children have remained. Many men have also gone out of Chittagong to get work. They may have got work; they may not have got, but many men have not been able to return to Chittagong The women are in rags, dirt and filth and the prostitution going on in Chittagong is simply terrible (Cries of "shame, shame" from the Opposition benches.) They are starving. There are soldiers there. The plight of the women is a tale of long misery and something should be done to stop this. Chittagong was a place that we were proud of. Now it seems as if a blight has fallen over it No one bothers about it; no one seems to think that it was one of the biggest and finest places of East Bengal. No one bothers about the women. Would it have happened if Chittagong had been near Calcutta? I saw the famine condition in Calcutta last year. I said then and I really feel that had those women not come to the streets of Calcutta, nothing would have been done for them. If we could lift Chittagong bodily and bring it here, I think something would then be realised of the terrible state of these people.

There is another thing which also hits Chittagong very hard. Young boys come to Calcutta for work. The demand is great; they get work; they work well; and in every case, like a bolt from the blue, there is a police report. They get notice and are thrown out of employment in a single day. I cannot say that I know every boy in Chittagong, but I do say that my husband and now I know many boys in Chittagong. I can vouch for them just as I can vouch for myself. They have nothing more to do with politics than we all have—just to wish and try for freedom. But what can they do? They have no chance. They are thrown out of their jobs. It is most difficult to get any work for them. This means that those boys have no money to send to their people. We know what a Bengali boy gets. He earns Rs. 70 a month; he lives a miserable life and he sends part of this money to help his own people. What happens? He is here and his people there simply have to starve.

Then, Sir, look at the condition of teachers at Chittagong. I wish I could bring them here to show their swollen legs through malnutrition. They have not enough money to buy rice. They have no dearness allowance. They do not even get ration. They got it for one month, but after a month the supply fell short and there was nothing more for them.

I do hope, Sir, that the situation in Chittagong will be considered as a very serious thing. It is strange that a place so near to the war zone where people have had to leave their homes at a moment's notice are treated in this way so far as food is concerned. A hungry man is a bitter man, and yet nothing has been done to help these people. Sir, I am not talking of Chittagong town itself. In the early days there was of course no arrangement, there was trouble but in January rationing had come into the town and now one can reasonably live, although vegetables and other things are almost impossible to procure. But if people have rice in sufficient quantities, I am sure that the poor men will not grumble. I do hope that the Minister will really take this matter up seriously and see that the name of Chittagong is not a blot on Bengal, so that we may say that when the people of Chittagong were in need the Government did their best to help them. (Applause from the Opposition benches.)

Mr. ATUL KRISHNA GHOSE: আমি চট্টগ্রাম সম্বন্ধে কয়েকটী কথা বলতে চাইছি। আশা করি সিভিল সাপ্লাই মন্ত্রী মহাশয় সেটাকে বিরুদ্ধ সমালোচনা মনে না কোরে এ সম্বন্ধে যদি সত্যকার কোন জিনিস থাকে তবে সেই জিনিসগুলি বুঝতে চেষ্টা করবেন। তাঁর হাতে যদি সংবাদ থাকে তাহলে তিনি উত্তর দেবেন এবং বর্ত্তমানে যদি হাতে সংবাদ না থাকে তাহলে ভবিষ্যতে সেই সমস্ত সংবাদ সংগ্রহ কোরে যাতে তার একটা সমাধান হতে পারে তার জন্য যত্নবান হবেন।

আমি কোন রকম ভাবপ্রবণতার মধ্যে আজ যেতে চাইছিনা। কতকগুলি concrete জিনিস এবং যে সমস্ত জিনিস চোখের উপর realities হয়ে দাঁড়িয়েছে সেই কথা নিয়ে আলোচনা করতে চাই।

খাঁন বাহাদুর সাহেব একটী কথা বলেছেন যে চট্টগ্রাম ইউনিয়ন বোর্ডকে death statistics রাখ্‌তে নাকি নিষেধ করা হয়েছে। একথা যদি সত্য হয় তাহলে সেই মন্ত্রী মহোদয়ের তদন্ত করা দরকার এবং আমাদের বলা উচিত যে সত্যই কোন ডিপার্টমেণ্ট থেকে এ রকম কোন instruction গিয়েছে কি না, কিম্বা সেখানে overzealous যে সমস্ত local officers আছেন তাঁদের দ্বারা এ রকম কোন ঘটনা সংঘটিত হয়েছে কি না সে বিষয়ে অনুসন্ধান করা দরকার।

দ্বিতীয় কথা—মিসেস্ সেন গুপ্তা এবং গোলাম সারওয়ার সাহেব চট্টগ্রামে অভাবের দরুণ prostitutionএর যে প্রকাশ্য সমালোচনা করেছেন এ বিষয়ে তদন্ত করা দরকার এবং যদি বাস্তবিক সেটা হয়ে থাকে, ত শুধু মন্ত্রী মহোদয়ের নয়, আমাদের এই হাউসের সমস্ত সভ্যদের মস্তক অবনত করা প্রয়োজন এবং অবশ্যম্ভাবী হয়ে পড়বে।

তৃতীয় কথা—চাউল, যে জিনিষটা নিয়ে আমরা আলোচনা করছি, আমি মন্ত্রী মহোদয়ের কাছে জানতে চাই বর্ত্তমানে তাঁর ডিপার্টমেণ্টের নানা কেন্দ্রে কত চাউল মজুত আছে, কি পরিমাণ চাউল মজুত আছে এবং আগামী এক মাস বা দু' মাসের মধ্যে তিনি আরও চাউল সংগ্রহ করতে পারবেন কি না এবং সেই সংগ্রহ করবার আশা তিনি রাখেন কি না। যদি তিনি কিছু আশা রাখেন তবে সেটার পরিমাণ জানিয়ে বর্ত্তমানে actual stock এবং যে stock তিনি আশা করেন তার total পরিমাণ কি এবং সেই total পরিমাণ বাংলার প্রয়োজনমত ক' মাস পর্য্যন্ত অন্ন-সমস্যার নিরাকরণ করতে পারে এই প্রশ্নের উত্তর চাই। আমার যা information সেই information থেকে আমি চোখের উপর দেখতে পাচ্ছি যে আগামী সেপ্টেম্বর মাসের প্রারম্ভে আবার বাংলায় হাহাকার ধ্বনি উঠবে। আর একথা আজকে বললে যদি তাঁরা অসন্তুষ্ট হন ত হতে পারেন, তাতে কারও কিছু আসবে যাবে না। কিন্তু একথা সেপ্টেম্বর মাসে কি রকম মর্ম্মন্তুদ সত্য হয়ে দাঁড়াবে এটা তাঁকে বিবেচনা করতে বলি। চট্টগ্রামের যে ধ্বনি আজ এখানে প্রতিধ্বনিত হচ্ছে, সেপ্টেম্বর মাসে বাংলার প্রত্যেক জেলায় এমনইভাবে করুণ কণ্ঠে

সদস্যদের সম্মুখে হয়ত প্রতিধ্বনিত হবে। সেই সূত্রে আমি এই সাবধানবাণী উচ্চারণ করছি এবং তাঁর ডিপার্টমেণ্টের খবর যদি নিখুঁত বোলে তিনি মনে করেন তবু তাকে বলছি তিনি যেন নিছক অপোজিশনের প্রতিবাদ মনে না কোরে এ বিষয়ে অনুসন্ধান করেন এবং এ বিষয়ে সম্যক তথ্য অবগত হ'ন। আমি জানি গভর্ণমেণ্ট মেম্বর হউন, মন্ত্রী হউন, পার্লামেণ্টারী সেক্রেটারী হউন, হিন্দু হউন, মুসলমান হউন কেউ, এ জিনিস চান না যে সেপ্টেম্বর মাসে আবার কাতারে কাতারে দুর্ভিক্ষপীড়িত কঙ্কালসার লোক আবার হা অন্ন, হা অন্ন কোরে বাংলাদেশকে আবার একটা শ্মশানে পরিণত করে। কিন্তু শুধু সদিচ্ছাই সব কিছু নয়। সেই সদিচ্ছাকে পূর্ণ করতে হ'লে তার পিছনে চাই চেষ্টা, উদ্যম, ত্যাগ, প্রবল প্রচেষ্টা। সেই প্রচেষ্টার অভাব আজ সর্ব্বত্র দেখা যাচ্ছে। একমাত্র চেষ্টা মাধ্যমিক শিক্ষা-বিল। আর যে কোন চেষ্টা বা চিন্তা আছে বা আর যে কোন চিন্তা থাকতে পারে এ কিছুদিন যাবৎ আমার চোখে পড়ছে না। মাধ্যমিক শিক্ষা বিল স্থগিত থাকলে বাংলাদেশের কিছু আসবে যাবে না, কিন্তু যদি সেপ্টেম্বর মাসে দুর্ভিক্ষের হাহাকারে সমস্ত বাংলা চট্টগ্রামে পরিণত হয় সেই অভাবনীয় দৃশ্য মিঃ শহীদ সুরাবর্দ্দীর পক্ষে কিছু শোভনীয় বা বরণীয় হবে না। সেই জন্য এই কথা বলি, আজকে চট্টগ্রামে যে বিভীষিকা এসেছে আমরা সেই বিভীষিকার ছায়া যেন অদূর ভবিষ্যতে সমস্ত বাংলায় দেখতে পাচ্ছি। তাই আমরা বলি এখনও আপনারা সতর্ক হউন। যদি সিভিল সাপ্লাই ডিপার্টমেণ্টের গচ্ছিত stock পুঞ্জিভূত কোন চাউল থাকে তাহলে চট্টগ্রামের লোক কেন চাউল পাবে না? (Cries of hear, hear) এই প্রশ্নের কি উত্তর আছে? আপনার ডিপার্টমেণ্টে বহু লোক, যাঁরা বিভিন্ন দায়িত্ব নিয়ে আছেন, তাঁরা কেন চাউল পাঠান না? আপনার ডিপার্টমেণ্ট একটা কন্ট্রোল রেট্ রেখেছেন, সেই কন্ট্রোল রেট্ থাকা সত্ত্বেও কেন চট্টগ্রামে ৪০৲ টাকা, ২৪৲ টাকা বা যে কোন টাকা বলেন তা মেনে নিতে রাজী আছি, কিন্তু কন্ট্রোল রেট্ ছাড়া এক টাকা উর্দ্ধে কেন চাউল বিক্রী হয়? এ কৈফিয়ৎ কে দেবে? যে অফিসের উপর আপনি এই ভার অর্পণ কোরেছেন সেই অফিসকে আপনি জিজ্ঞাসা করুন যে কেন কন্ট্রোল রেট্ ছাড়িয়ে অতিরিক্ত রেটে চট্টগ্রামে চাউল বিক্রী হচ্ছে এবং যদি তা হয়ে থাকে কেন তাদের এখনও পর্য্যন্ত prosecute করা হয়নি। এই সমস্ত তথ্য আলোচনা কোরে এবং সমস্ত অবস্থা বিবেচনা করে চট্টগ্রামের সমস্যা সমাধান করুন। সেই সমাধান অবিলম্বে করা প্রয়োজন। উত্তরে সমস্ত বাংলার যে বিভীষিকার কথা বললাম সেকথা একেবারে উড়িয়ে না দেন। বাহিরের লোকের কথা মনে না করেন, আপনি আপনার ডিপার্টমেণ্টের দপ্তর অনুসন্ধান করুন। আমি পরিষদে বলছি আমার নিজের অভিজ্ঞতা আছে, আমার information ও কিছু আছে, সেই অভিজ্ঞতা থেকে এবং বিভিন্ন জেলার খুব বিশ্বস্ত সংবাদ থেকে আমি বলছি যে সেপ্টেম্বর মাসে আপনি এই কন্ট্রোল রেট্ রাখতে পারবেন না। আপনার ইচ্ছা সদিচ্ছা হ'তে পারে, আপনার আশা অফুরন্ত হতে পারে, আপনি অনেক কিছু ঘোষণা করতে পারেন, কিন্তু সেপ্টেম্বর মাসে আপনার সমস্ত ঘোষণা বিপর্য্যস্ত হয়ে যাবে। আমি স্পীকার মহোদয়ের throughতে এই কথা পরিষদে বলছি যে সেপ্টেম্বর মাসে বর্ত্তমান কন্ট্রোল রেট্ রাখা অসম্ভব হবে, এবং তার জন্য আগামী কাল হ'তে যদি আপনারা চেষ্টা না করেন তাহলে সমস্ত বাংলা দুর্ভিক্ষ-প্রপীড়িত হয়ে পড়বে।

সমস্ত অবস্থা বিবেচনা কোরে আমি আবার এই কথা বলতে চাই যে Opposition এর তরফ থেকে একজন সদস্য কথা বলছে বোলে সেটা বিরুদ্ধ সমালোচনা বোলে মনে করবেন না। আমি যে কথা বললাম তার সত্যকার কোন ভিত্তি আছে কি না অনুসন্ধান করুন। অনুসন্ধান করলে জানতে পারবেন যে এর মধ্যে মর্ম্মন্তুদ সত্য নিহিত আছে এবং সেটা জেনে আপনি বাংলার ভবিষ্যৎ সম্বন্ধে সতর্ক হউন।

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, I rise to support the motion that has been moved by my friend Khan Bahadur Haji Badi

Ahmed Choudhury. It seems to me, Sir, that there is a dispute about the price of rice. It appears from the answer to a supplementary question put by me today that the Hon'ble Minister simply evaded to give a straight reply. But, Sir, on reference to the Gazette of 15th June, 1944, it appears that at Cox's Bazar rice is selling at one seer a rupee. This is the report published in the Gazette of the 15th June, 1944. In that Gazette we find that rice is selling at one and a quarter or one and a half seer per rupee. If we calculate at one and a quarter seer a rupee, it comes to Rs. 32 per maund. That is the condition in Chittagong on 15th June. Now, Sir, on a reference to the Gazette of 8th June, it appears that in Cox's Bazar the price was one and a half seer in the rupee and in the course of only one week it has now come up to one seer in the rupee. In Chittagong the price now is one and a quarter seer in the rupee and on the 8th June as well as on the 1st June, the price was the same. On 1st June the price in Cox's Bazar was one to one and a half seer per rupee. Now if you look at the Gazette published in the month of May, 1944, it appears that the price rose from one and three-quarter seers to one and a half seers per rupee and now it is one seer per rupee in Cox's Bazar. Last year in the month of June the average price of rice was Rs. 25 per maund. Now the price is Rs. 40 in Cox's Bazar and Rs. 32 in Chittagong. That is the situation.

Sir, we know at the same time that the Government report does not state the real state of things. The real state of things is otherwise. The report is that the price of rice at Cox's Bazar is Rs. 50 per maund although the Government report published in the Gazette says that it is Rs. 40. Sir, we, the people of the locality, know the real state of things and we know that the price of rice at Cox's Bazar is more than Rs. 50 and at Chittagong more than Rs. 40. Last year it was not more than Rs. 25 at this time. Sir, the price is rising and the condition in Chittagong is really one of famine, and it pains me very much to think that no step has yet been taken by Government to redress the terrible famine condition now prevailing in Chittagong.

Sir, in another part of the province, namely, in the district of Dinajpur, rice is selling at Rs. 10 per maund. I respectfully urge upon the Government to transport rice from Dinajpur to Chittagong without any further delay. Sir, the other day I had an opportunity to talk with a high Government official and he told me that the transport facilities which were available in 1943 are not available now. I had complained to him about the supply of quinine to the district of Tippera. He said that the quinine allotted for the district of Tippera could not be sent on account of transport difficulties. So the situation is more critical now than what it was in 1943. Some intimate friend of mine came from Comilla and asked me what we were doing. He said, "You are only talking about the Secondary Education Bill, but you don't know that people are dying in my Division and in my district in thousands." The Ministry is thinking of the Secondary Education Bill. Does the Government know that by the time that Bill will be passed into Act, all the teachers and all the students will die at least in the Chittagong Division?

Do you know what percentage of the students or teachers of Chittagong Division has been affected by malaria? You will find that 75 per cent. of the students and 75 per cent. of the teachers have been affected by malaria.

That is the position not only in the district of Chittagong, but in the district of Tippera also the price of rice has risen. I have been receiving reports and letters that there has been recrudescence of malaria throughout the whole district. Last year the largest number of deaths occurred in that district of Tippera: one lakh and fifty-one thousand people had died in that district, according to the Government report. Mr. Speaker, Sir, you will be astonished to hear that this is the largest number of death that occurred

according to the Government report. The Government report, Sir, is certainly always an under-estimate. I know the condition of the district of Tippera and the Chittagong Division. I repeat, besides the want of rice, there has been a recrudescence of malaria.

People are helping Government. Chittagong has supplied the largest number of lascars. The position of Chittagong is peculiar. A large number of the people of Chittagong were dependent on Burma: during the harvest time they used to go there for doing work and earning their livelihood. This is not possible for them to do now. Because of the stoppage of the coastal steamer services, many people have been thrown out of employment in the Chittagong Division. People are dying in thousands in Chittagong; the condition not only in that district but throughout the Division is terrible. Let me repeat, that there the price of rice has risen very high and there is recrudescence of malaria, whereas the quantity of quinine allotted to this Division is absolutely insufficient. I have got a report that the District Magistrate of Tippera had asked for a larger quantity of quinine, because the quinine allotted to Tippera was less than that allotted in 1943, but, Sir, the Ministry is busy considering the Secondary Education Bill.

Then, Sir, in answer to a question of today, No. 422, it has been stated that there were 643 gruel kitchens in the district of Chittagong; all of them have been closed and workhouses have been started since February, 1944. How many workhouses have been started? Sir, 643 gruel kitchens have been stopped in spite of the fact that the price of rice is Rs. 40 per maund according to the Government report as published in the "Calcutta Gazette" of the 15th June, 1944. Then the question was "whether any dole is given to the destitutes in the area where gruel kitchens have been stopped". The answer is "No". Sir, no dole is given to the destitutes. Look here the condition. Picture before your mind the condition of the people. Can they purchase at Rs. 40? What percentage of the population can do that? It is said that a large number of people of Chittagong are earning good money. Sir, what proportion of the population are earning good money? How many of them are contractors? As Mrs. Sen Gupta has said, the number can be counted on fingers' end and most of them even come from the Punjab and other places: I mean the military contractors who have money. Sir, have the people of Chittagong the capacity to purchase rice at Rs. 40? Sir, Government has not taken any step in the matter; Government is entirely apathetic. When this motion was being moved, I found laughter among the Government members which pained me so much. When our brethren are dying, Khan Bahadur Haji Badi Ahmed Choudhury was greatly moved. Of course, he cannot talk in the same language as others, but you can understand what he spoke in reference to the context. It is sheer levity. He rose to support a motion which concerns the life and property of the people. People are dying in thousands. I am bound to say that if such things happened in Calcutta, people would have come in great numbers; there would have been ocular demonstration of the miserable condition. Sir, Nero is fiddling when Rome is burning. When asked about the price of rice, the Hon'ble Minister replied, "I am quite prepared to answer now if the adjournment motion is not going to be moved".

Sir, the situation in the Chittagong Division is very grave and the Government must take immediate steps to transport rice from other districts—at least from Dinajpur to Chittagong. Sir, I hear—I do not know whether I am correct or not—that the military now does not take care about the transport. Sir, in the Assam front Indians are shedding their blood. Kohima has been cleared by Indians. In Italy Indians are giving their lives. For whom? It is an unfortunate country. Not for the independence of India but for the continuance of the British rule in India the people are shedding their blood. Sir, people are dying in thousands like ants, but when Government are asked to move in the matter, Government take the matter with levity.

With these few words, Sir, I support the motion and I hope Government will take immediate steps to remove the distress of the people.

Mr. B. MUKHERJEE : মি: স্পীকার, স্যার, আমি স্থগিত প্রস্তাব এই বোলে সমর্থন করছি যে চট্টগ্রামে যে লক্ষণ দেখা গিয়েছে সেটা হয়ত অনারেবল্ সিভিল সাপ্লাই মিনিষ্টার মনে করবেন এটা শুধু কক্সবাজারে বা চট্টগ্রামের কোন একটা অংশে এই জিনিসটা দেখা গিয়েছে। এই জন্য তিনি আজকের প্রশ্নের উত্তরে বল্‌বেন যে বাংলাদেশে এ রকম শোচনীয় একটা সঙ্কট যে দেখা যাচ্ছে তা তিনি স্বীকার করেন না, এবং general crisis নয় খুব সম্ভব এই উত্তর দেবেন ; চট্টগ্রামের সামান্য একটা অংশে এই রকম বিপদ দেখা গিয়েছে এবং তার জন্য বহু কারণ আছে। কিন্তু সঙ্গে সঙ্গে এই স্থগিত প্রস্তাব আলোচনা চট্টগ্রামের ভিতর সীমাবদ্ধ রাখ্‌লে চলে না। ইতি-মধ্যে ঢাকার বহু স্থানে চাল ২৫৲ টাকা কোরে বিক্রী হচ্ছে। ফরিদপুরের বহু গ্রামে লোক ধান চাল কিনতে পায় না এবং এখনও পর্য্যন্ত Government বাংলার সমস্ত শহরে rationing introduce করতে পারেন নি এবং যেসব সহরে introduced হয়েছে সেই সব জেলার গ্রামে—অধিকাংশ deficit districtএর গ্রামে আজকে কন্ট্রোল রেটে চাল পাওয়া যায় না। একথা যদি কেউ অস্বীকার করেন তাহলে বলব তাঁরা সম্পূর্ণ একটা মূর্খের স্বর্গে বাস করেন (fool's paradise)। একেবারে বাংলাদেশের সম্বন্ধে কোন খবর যাঁরা না রাখেন বা বাংলার গ্রামের সঙ্গে কোন যোগাযোগ যাঁদের নাই তাঁরা আজ অত্যন্ত স্বচ্ছন্দ চিত্তে বলতে পারেন যে ফুড কমিটি তৈরী হয়েছে, ফুড কমিটি function করছে, শুধু থানা কমিটি organise করা হয় নি, অন্যান্য কমিটি হচ্ছে। আজ অনারেবল্ সিভিল সাপ্লাই মিনিষ্টারের এই ভাবের উত্তর-গুলি যিনি পড়বেন তাঁর মনে হবে যে বাংলাদেশের অবস্থা সুন্দর, অত্যন্ত চমৎকারভাবে দেশ চল্‌ছে, এবং যা করা প্রয়োজন তা সব হচ্ছে। কিন্তু আজকে তিনি একথা জানাবেন কি যে কতখানি চাল stock করতে পেরেছেন গভর্ণমেণ্ট এ পর্য্যন্ত? যে সমস্ত deficit area আছে তার জন্য আজ সহজ অজুহাত হবে যে যেহেতু চলাচলের বন্দোবস্তের উপর, রেলের উপর আমাদের হাত নাই, সেই জন্য আমরা এই সমস্ত জায়গায় পাঠাতে পারছি না। এ অজুহাত অত্যন্ত চমৎকার। কিন্তু যদি communication সম্পূর্ণ থাকে তাহলে আমি জানতে চাই যে গভর্ণমেণ্টের কাছে কি যথেষ্ট পরিমাণে stock আছে সমস্ত deficit areaকে খাওয়াবার মত? গত বৎসর তাঁর সঙ্গে যখন আলাপ করি তখন জানিয়েছিলাম যে অন্ততঃ যদি ২ মিলিয়ন টন্ চাল না কেনা হয় তাহলে বাংলাদেশের সমস্ত deficit areaকে কোন দিন খাওয়াতে পারবেন না। তিনি তখন চিন্তা কোরেছিলেন যে ২ মিলিয়ন টন্ দরকার—কি এক মিলিয়ন টন্। অর্থাৎ ২৭০ লক্ষ মণ চাল যদি গভর্ণমেণ্ট সংগ্রহ করতে পারেন তাহলে বাংলার সমস্ত deficit areaকে তাঁরা খাওয়াতে পারেন। হিসাবমত ১০ কোটি মণ চাল বাংলার বাজারে কেনা বেচা হয় ; গভর্ণমেণ্ট যদি ৫ কোটি মণ অন্ততঃ সংগ্রহ করতে পারেন তাহলেই তাঁরা চাল চোর, black marketer, hoarderদের কোন রকমে ঠেকাতে পারবেন, যদি অর্দ্ধেক marketable rice গভর্ণমেণ্ট control করতে পারেন। কিন্তু গভর্ণমেণ্ট এ বৎসর চাল কেনবার ব্যাপারে আরম্ভ কোরেছেন কিভাবে না গত বৎসর চাল চোরদের এজেণ্ট নিযুক্ত কোরে ছেড়েছেন (Cries of Shame, shame) এবং তাঁরা নানা প্রকারে এ পর্য্যন্ত গভর্ণমেণ্টকে দেখিয়েছেন যে তাঁরা চাল কিনতে পারেন নি। তাঁরা প্রত্যেকটা স্থানে গিয়ে অন্যান্য এজেণ্টের সঙ্গে, দোকানদারের সঙ্গে এমন সমস্ত ব্যবস্থা কোরেছেন যে তাঁরা একটা দর দিলে পর অন্য দরেতে কিনে নিয়ে আসেন এবং গভর্ণমেণ্টকে রিপোর্ট দেন যে ঐ দরে এখানে চাল কিনতে পাওয়া গেল না, অথচ সেই সময়কার বাজার গভর্ণমেণ্ট যে দর দিয়েছেন তার চেয়ে অল্প এবং বেনামায় সেই চাল কিনে কোথায় যাচ্ছে আজ পর্য্যন্ত

জানা নাই। সিভিল সাপ্লাই মন্ত্রী মহাশয় আজ এই হাউসকে confidenceএ নিয়ে বলবেন কি এ পর্যন্ত কতখানি চাল তিনি সংগ্রহ করতে পেরেছেন যে বড় গলা কোরে তিনি বলেন যে সমস্ত বাংলার deficit areaকে আমি খাওয়াতে পারব, এবং কি পরিমাণ চাল deficit বাংলার সহরগুলিকে খাওয়াতে গেলে লাগে? এ সম্বন্ধে তিনি এ পর্যন্ত এই হাউসকে বিশ্বাসে গ্রহণ করেন নি; বর্তমানে যদি অন্ততঃ করেন তাহলে পর এর কিছু সম্ভাবনা আছে। বোধ হয় তাঁরা বাংলাদেশ সম্বন্ধে কিছু অবগত নন। এখন মাত্র জ্যৈষ্ঠ মাসের শেষ; এবং চিরকাল বাংলাদেশে আষাঢ়, শ্রাবণ, ভাদ্র, আশ্বিন এই ৪ মাসের সমস্ত সময়েই অভাব হয়ে থাকে। তিনি যদি মনে কোরে থাকেন এটা কল্পরাজ্যেরই দেখা গিয়েছে তাহলে অত্যন্ত ভুল করবেন, কেন না এই ৪ মাসে বাংলার প্রত্যেক গ্রামে, সহরে, সমস্ত লোকের ভিতরে অভাব বাড়ে। গ্রামের দরিদ্র জনসাধারণ যাদের জমি নাই, এবং দুর্ভাগ্যক্রমে গত বৎসরে জমি নাই এর সংখ্যা অত্যন্ত বেড়ে গিয়েছে, এই বাংলায় তাদের সংখ্যা অতি বিপুল এবং এই আষাঢ়, শ্রাবণ থেকে অসংখ্য লোক বেরিয়ে আসবে যাদের ঘরে চাল নাই, এবং তারা যখন marketএ এসে পড়বে তখন marketএ যেটুকু চাল আছে তার দাম সব জায়গায় বাড়তে বাধ্য হবে। এই অবস্থাটা এসে পড়বে; কিন্তু এ সম্বন্ধে তাঁরা অবহিত নন, বিশেষকোরে আমার অত্যন্ত দুঃখ বোধ হয় যে সময় সমস্ত বাংলায় সকল দলের সকল পার্টির একমাত্র চিন্তা হওয়া উচিত ছিল যে মিলিতভাবে সবাই বাংলার এই যে দারুণ অসময়, বোধ হয় ঐতিহাসিক কালের ভিতরে বাংলা এ রকম দারুণ সঙ্কটের ভিতর দিয়ে কখন যায় নি, যে সময় আমাদের সকলের উচিত সমস্ত প্রকার ভেদ বিভেদ ভুলে গিয়ে সকলে একত্র হয়ে বাংলার লক্ষ লক্ষ নরনারীকে রোগ থেকে রক্ষার জন্য ঔষধ এবং পথ্য দিয়ে এবং অনাহার থেকে রক্ষার জন্য আহার দিয়ে বাঁচান, সেই সময় আজ আমার দেখে দুঃখ বোধ হয় যে আজ পর্যন্ত হাউসকে টেনে টেনে নিয়ে গিয়ে মিলিত হওয়ার চেষ্টার জায়গায় আরও বেশী বিভেদ সৃষ্টি করা হচ্ছে। আজ সম্মিলিতভাবে অন্ততঃ এ সম্বন্ধে একটা চেষ্টা করার প্রয়োজন ছিল যদি বাংলাকে আজ তাঁরা বাঁচাতে চান। আমি জানি কল্পরাজ্যের কতকগুলি আনুষঙ্গিক কারণ ঘটেছে এবং সে সম্বন্ধেও গভর্ণমেণ্টের অবহিত হওয়া উচিত; অর্থাৎ সেখানে বহু কুলী নিয়ে যাওয়া হয়েছিল মিলিটারী কাজের জন্য। পরে যখন ওখান থেকে আসামে তাঁরা চলে যান সেই সময় ঐ সমস্ত হাজার হাজার লেবার সেখানে পড়ে থাকে, তাদের সরাবার ব্যবস্থা করা হয় নি, অথচ আসামে হাজার হাজার লোকারের প্রয়োজন ছিল। এই যে একটা নূতন আগন্তুক সহস্র সহস্র লোক ঐ সমস্ত অঞ্চলের গ্রামে ছড়িয়ে পড়েছে—একেই ত সেই সমস্ত অঞ্চল deficit অঞ্চল তার উপর আগন্তুক এই যে সহস্র সহস্র লেবার যতদিন পর্যন্ত তাদের মিলিটারী রক্ষণাবেক্ষণ করত, অন্ততঃ তাদের চাল সরবরাহ করত ততদিন তবু এক রকম ছিল, কিন্তু এখন আর তাঁরা তাদের রক্ষণাবেক্ষণ করেন না, তারা যদি ট্রেণে উঠতে যায় তাদের ট্রেণ থেকে নামিয়ে দেওয়া হয়, এবং সেই সমস্ত লোক ঐ অঞ্চলে ছড়িয়ে পড়ার দরুণ পঙ্গপাল যেমন শস্য শেষ কোরে দেয় তারা ঐ অঞ্চলের শস্য শেষ কোরে দিলে, কারণ তখন তাদের হাতে টাকা ছিল, ১৲ টাকা ২৲ টাকা রোজ তারা পেত। ঐ অঞ্চল থেকে খাদ্য দূর হয়েছে অথচ খাদ্য আসে না। এ অবস্থায় ওখানকার একটা বিশিষ্টতা আছে। কিন্তু এ বিষয়ে গভর্ণমেণ্টের কর্তব্য আছে। প্রকাণ্ড শ্রমিক দল যা রয়েছে তাদের destituteএর ভিতর ফেলে না দিয়ে তাদের প্রতি যদি গভর্ণমেণ্ট কর্তব্য পালন করেন তাহলে আপনা আপনি গ্রামবাসীদের প্রতি কর্তব্য পালন করা হবে। কিন্তু একথা তাঁরা মনে করেন না। Cox's Bazarএর ব্যাপারটা তাঁদের কাছে একটা বিচ্ছিন্ন, ঐখানকার সাময়িক ব্যাপার মাত্র, সামান্য স্থানের ভিতর সীমাবদ্ধ। তা যদি হ'ত তাহলে আমি মনে করতাম যে সমস্যাটা গুরুতর নয় এবং গভর্ণমেণ্ট কিছু চেষ্টা করলে ঐ অঞ্চলে কিছু খাদ্য শস্য পাঠালে পর ঐখানকার ব্যবস্থা করতে পারেন। কিন্তু আমি পূর্বেই

বলেছি যে সমস্যাটা তার চেয়ে জটিল এবং ব্যাপক। সমস্যাটা ঐ অঞ্চলের নয়, সমস্যাটা পূর্ব্ব বাংলার বহু গ্রামাঞ্চলে ছড়িয়ে পড়েছে। আশঙ্কা করা হচ্ছে অতি শীঘ্র সমগ্র বাংলায় ছড়িয়ে পড়বে।

Mr. SPEAKER: Mr. Mukherjee, we must rise now on account of the prayer.

The House stands adjourned for 15 minutes for prayer.

(The House was accordingly adjourned for 15 minutes.)

(After adjournment.)

Mr. B. MUKHERJEE: Mr. Speaker, Sir, আমি বলছিলাম যে এই প্রকারের অবস্থা কোন সময়ই দেখা যায় নাই। আজ উত্তর বঙ্গে চালের দর ১৪৲ থেকে ১৬৲ টাকা মণ। এমন কি রংপুরে ১২৲ টাকা এবং সেখানে তার চেয়ে নীচেই চালের দর নাবছে। ওদিকে পার্ব্বত্য ত্রিপুরায় ১২৲ টাকা, এমন কি পার্ব্বত্য চট্টগ্রামে চালের দর ১২৲ টাকার কাছাকাছি অথচ পাশেই সমতল চট্টগ্রামে যদি ৬০৲ টাকা হয় তার চেয়ে দারুণ অবস্থা আর কি হতে পারে? এবং তার ফল যে কি হয়েছে তা যদি আমরা শুনি বা জানি, তাহলে পর লজ্জায় অধোবদন হতে হয়। ঐ সমস্ত অঞ্চলে নিম্ন মুসলমান এবং নিম্ন শ্রেণীর হিন্দু কুলবধূরা পেটের জ্বালায় গৃহ বাড়ী ত্যাগ করে এসেছে labour campএ। Labour campএর মতন দুর্নীতিপরায়ণ আবহাওয়া আর কোথাও বড় একটা দেখা যায় না, একেই তো এই অবস্থা, তার উপর আবার চট্টগ্রামের ঐ সমস্ত অঞ্চলে কুলবধূদের লজ্জা সরমের কোন বালাই নেই, উলঙ্গ স্নান তারা করে থাকে, পথিক পাশ দিয়ে গেলেও তারা ভ্রূক্ষেপ করে না। (Laughter.) আমাদের জাতির অবস্থা আজ কি স্তরে এসে পড়েছে একবার কি আপনারা চিন্তা করেছেন? একথা শোনবার পরও আপনাদের মুখে হাসি থাকা উচিত নয়। আমি দেখছি Treasury Benchএ হাসির বিনিময় চলছে। অথচ কিছুটা সহানুভূতি, কিছুটা স্বদেশপ্রীতি ও সমাজপ্রীতি যদি থাকে তাহলে এর প্রতিকার করবার ক্ষমতা না থাকলেও দুঃখ বোধ করবার ক্ষমতা থাকা উচিত হতো এবং থাকতো। যে দারুণ দুরবস্থার ভিতর দিয়ে আমাদের আজ চলতে হচ্ছে, তার চেয়ে আরো সঙ্কটজনক পরিস্থিতি আমাদের সামনে। মন্ত্রিমণ্ডলী কি খবর রাখেন জানি না উত্তর বঙ্গে এবং পূর্ব্ব বঙ্গে নাকি আকাল হয়েছে। আমি অনেকবার দেখেছি ভবিষ্যৎবাণী আমার ফলেছে এবং Civil Supply Minister সাহেবের ফলে নি। তাঁর নিজের সম্বন্ধে যত গর্ব্ব বা উচ্চ ধারণাই থাক (The Hon'ble Mr. H. S. SUHRAWARDI: চলুন না আমার সঙ্গে।) নিশ্চয়ই যাবো। এবং এ সম্বন্ধে আরো আশঙ্কার কথা এই যে বাংলায় ধান-চাল কোথাও কোথাও পাওয়াই যাচ্ছে না। কিন্তু দুর্ভিক্ষের অবস্থা যায় নি। কিন্তু কেরোসিনের অত্যন্ত অভাব ও দুর্মূল্য হওয়ার দরুণ জনসাধারণের যা কিছু সামান্য জিনিষ তা তারা রাত্রির অন্ধকারে রাখতে পারছে না। কয়লা নেই, কাঠও মিলছে না, আর এমন নিত্যব্যবহার্য্য জিনিষপত্রের দুর্ভিক্ষ এসেছে আজ বাংলার গ্রামে গ্রামে যে সামান্য নুন সেই নুনের জন্য মানুষ হাহাকার করছে। বাংলার মন্ত্রিমণ্ডলীর বোঝা উচিত—বর্ত্তমানে বাংলার প্রত্যেক মানুষের খাবার মতন চাল, এবং সামান্য নুনটা, কেরোসিনটা যদি সরবরাহ না করতে পারেন তাহলে তাঁদের মন্ত্রিত্ব করার কোন কারণ নেই। যখন তাঁরা মন্ত্রিত্ব গ্রহণ করেন, তাঁরা বলেছিলেন যে এই দারুণ দুরবস্থায় বাংলার লোকদের তাঁরা সেবা করবেন। যতক্ষণ তাঁরা মনে করবেন—সেই সেবা করবার যোগ্যতা তাঁদের আছে ততক্ষণ পর্য্যন্ত শত শত opposition এবং বাধা বিপত্তি সত্ত্বেও তাঁরা তাঁদের কার্য্যের ভিতর দিয়ে চলে যাবেন, কিন্তু আমরা অত্যন্ত দুঃখের সহিত অনুভব করছি তা তাঁরা পারছেন না। বাংলার গ্রামে গ্রামে কেরোসিন, নুন এবং অন্যান্য খাদ্যের জন্য হাহাকার

(Mr. ABDULLA-AL MAHMOOD: ওসব গত বছরের কথা।) গত বৎসরের কথা বলছি না, এই বছরেই দারুণ খাদ্যাভাব ঘটেছে। এবং যে ছবি দেখছি তাতে আরো দারুণ খাদ্যাভাব ঘটবার সম্ভাবনা রয়েছে। কাপড় বা অন্যান্য জিনিষের কথা আমরা আজ তুলছি না। কিন্তু সামান্য নুন ভাত,—ডাল ভাতের কথা অনেক দিন ভুলে গেছি, সামান্য নুন ভাতের ব্যবস্থা করারও যদি ওঁদের শক্তি না থাকে, হয়ত ওঁরা প্রাণপণ চেষ্টা করছেন, হয়ত India Governmentএর ভাগেই দোষের ভাগ বেশী, কিন্তু যে কারণে হোক যদি এই জিনিষগুলি বাংলার গ্রামে গ্রামে যুগিয়ে দিতে তাঁরা পারছেন না, তাহলে তাঁদের এই দায়িত্ব থেকে হাত ছাড়িয়ে নেওয়া উচিত।

(The Hon'ble Mr. H. S. Suhrawardy rose to speak.)

Dr. NALINAKSHA SANYAL: Sir, we have got two more speakers.

Mr. SYED HASAN ALI CHOWDHURY: We have also got one speaker from our party.

(Mr. Syed Ahmed Khan rose to speak.)

Mr. SPEAKER: Yes. Mr. Syed Ahmed Khan.

Maulvi AHMED ALI MRIDHA: Sir, we should also be given an opportunity.

Mr. SPEAKER: You did not rise earlier. I have already promised to allow Mr. Syed Ahmed Khan to speak.

Mr. SYED AHMED KHAN: Mr. Speaker, Sir, চট্টগ্রাম জেলায় বর্ত্তমানে চাউলের মূল্য ৬০৲ টাকায় উঠিয়াছে। এবং আমি বলছি নোয়াখালি জেলায়ও বর্ত্তমান সময় চাউলের বাজার মফঃস্বলে ৩৫৲ টাকা মণ। সবে মাত্র জৈষ্ঠ্য মাস শেষ হয়ে আষাঢ় মাস দেখা দিয়েছে, তাতেই এই অবস্থা; আর আষাঢ়-শ্রাবণ মাসে যখন নাকি বরাবর দুর্ভিক্ষ লেগে থাকে তখন যে কি অবস্থা আমাদের দেশের দাঁড়াবে তা ভেবে আমরা হতবুদ্ধি হয়ে পড়ছি। বিশেষতঃ এবারে অনাবৃষ্টির দরুণ প্রায় সমস্ত আউশ ফসল নষ্ট হয়ে গেছে, তার ফলে আউশ ফসলের দ্বারা লোকের অবস্থা কথঞ্চিৎ যে ভাল হতো সে chance'ও চলে গেছে। গত বৎসর পৌষ-মাঘ মাসে গভর্ণমেণ্ট চাল চেয়েছিলেন যে সমস্ত ধান-চাল কৃষকদের কাছ থেকে গভর্ণমেণ্ট কিনে রাখবেন, এবং যখন contractorদের ও agentদের through দিয়ে গভর্ণমেণ্ট ধান-চাল কিনছিলেন তাদের বলেছিলেন যে তোমাদের জন্যই আমরা ধান-চাল কিনছি ও stock করছি। কিন্তু নোয়াখালি জেলা থেকে ধান-চাল কোথায় যে উধাও হয়েছে তার খবর কিছুই পাওয়া যাচ্ছে না। বর্ত্তমানে গ্রামের বহু লোক না খেয়ে মরছে, ভবিষ্যতে যে আরো ভয়াবহরূপ দেশের অবস্থা হয়ে পড়বে তার জন্য বর্ত্তমান Ministry দায়ী—এই গত বৎসর লক্ষ লক্ষ লোক যে মরে গেছে তার জন্য তারাই যেমন দায়ী। সুতরাং দেখা যাচ্ছে এই Ministerরা দেশের রক্ষক না হয়ে ভক্ষকরূপে বিরাজ করছেন। আজ জনসাধারণের খাদ্যাভাব নিয়ে নোয়াখালি-চট্টগ্রাম প্রভৃতি জেলা এমন কি সারা বাংলাময় যে হাহাকার উঠছে তার জন্য এই মন্ত্রীদের resign দিয়ে সর্ব্বদলীয় মন্ত্রিসভা গঠন করা উচিত। নৈলে দেশের সর্ব্বত্র এখন যে বহু লোক মারা যাচ্ছে—এবং ভবিষ্যতে আরো অনেক বেশী লোক মারা যাবে—তার জন্য এই মন্ত্রীরাই হবেন দায়ী।

এখন নোয়াখালি জেলায় এক একটা গরুর মূল্য তিন শো, সাড়ে তিনশো টাকা এবং এক একটা মহিষের মূল্য ৫০০৲ টাকা। গত বৎসর গরু-মহিষ মারা গেছে হাজার হাজার। এবৎসর চাষীরা টাকার অভাবে অত চড়া দরে গরু-মহিষ খরিদ করতে পারছে না, সেইজন্য চাষের উপযুক্ত যে সমস্ত জমি আছে সে সকল জমি তাদের এবার চাষ হবে না। কাজেই

এখনি যখন হাল চাষ ও ধানের চারা লাগাবার সময়, এই সময়েই যদি কৃষকদের কৃষি-ঋণ অতি সত্বর না দেওয়া হয় এবং তারা যদি হালের গরু-মহিষ না কিনিতে পারে এবং তদ্দরুণ জমি সব যদি অনাবাদী পড়ে থাকে তাহলে অদূর ভবিষ্যতে ধান-চালের যে দুর্মূল্যতা ও দুষ্প্রাপ্যতা হবে তা চিন্তা করলেও শরীর শিউরে উঠে। আমি মিনিষ্টার মিঃ সুরাবর্দ্দীকে অনুরোধ করছি—অন্য সমস্ত রকম কাজকর্ম্ম বন্ধ করে ওঁর এখনি মফঃস্বলে বেরিয়ে পড়া উচিত। Education Bill পাশ করে কি হবে? বাংলার লক্ষ লক্ষ লোক যদি মরেই যায় তাহলে Education Bill পাশ করে কি লাভ হবে? মানুষ না বাঁচলে Education কাকে দেওয়া হবে? তখন Education দ্বারা কারই বা কি উপকার হবে? কয়েকটী নবাব সুবো আর জমিদার যাদের নাকি খাওয়া পরার ভাবনা নাই একমাত্র তাদের উপকার ছাড়া আর কারোই কোন লাভ হবে না এই Education Billএর দ্বারা। আমরা মফঃস্বলের লোক আমরা জানি—আজ কৃষকের চাউলের অভাব, নুনের অভাব, কেরোসিন তেলের অভাব, সর্ষের তেলের অভাব, কাপড়ের অভাব,—এক কথায় জীবন-ধারণের জন্য যা কিছু দরকার সে সব জিনিষেরই অভাব। যখন দেশের জনসাধারণ তাদের নিত্যব্যবহার্য্য জিনিষের অভাবে মৃত্যুর দিকে এগিয়ে চলেছে, সেই সময় আমাদের Ministerগণ দেশের টাকা নিয়ে ছিনিমিনি খেলছেন—

Mr. SPEAKER: Will you please finish?

Mr. SYED AHMED KHAN: এই আমি শেষ করছি, Sir. মন্ত্রিগণ যদি এইভাবেই দেশের লোকের টাকা নিয়ে ছিনিমিনি খেলেই চলেন তাহলে দেশের লোকের মরণ অনিবার্য্য এবং শুধু দেশের লোকেরই নয়, সঙ্গে সঙ্গে মন্ত্রীদেরও মরণ অনিবার্য্য।

Dr. SANAULLAH: Mr. Speaker, Sir, I support the adjournment moved by Khan Bahadur Haji Badi Ahmed Chowdhury, and I do so, Sir, not only from the humanitarian point of view but also from the point of view of successful military operations of which Chittagong is a forward base, and successful prosecution of the war itself. If Chittagong people die in their thousands, who will construct the thousands of huts for the military which were being so long constructed almost within the twinkling of an eye. Sir, Khan Bahadur Haji Badi Ahmed Chowdhury has referred to some letters and he has requested me to read out a few lines from one of them. It speaks for itself, and runs thus:

শ্রদ্ধেয় চাচা বাবু—

চট্টগ্রামের অবস্থা নিতান্ত খারাপ। পল্লী অঞ্চলের জন্য খবর নেবার কেহ নাই। চাউল অনেক স্থানে আড়াই পোয়া হইতে পৌনে তিন পোয়া, তাহাও কোন কোন স্থানে পাওয়া যাইতেছে না। অসংখ্য লোক মারা পড়িবে। সেই দিন অঝিওলা নিজ পরিজনের খাদ্য সংগ্রহ করিতে গাছে উঠিয়া প্রাণ হারাইয়াছে।

মৃত্যু রেজিষ্টারিতে অনাহারে মৃত্যুর হেডিং নাই। তাহাও U.B. লিখিতে বারণ করিয়াছে।

দেবেন্দ্র নাথ।

In another letter of 2nd June, 1944, addressed to him it is stated as follows:—

জনাব খান বাহাদুর হাজী বদি আহ্‌মেদ চৌধুরী—

কক্স বাজার এলেকায় লোক মিলিত হইয়া আমাকে আপনার নিকট পাঠাইয়াছে।

ধান্য পাকার পূর্ব্বে মিলিটারী ঘাঁটি ও এরোপ্লেনের জন্য অনেক জমির ধান্য কাটিয়া ফেলায় চাউলের খুব অভাব হইয়াছে। চাউল বর্ত্তমানে চৌদ্দ ছটাক বিক্রি হইতে থাকে।

অনেক গরীব খাদ্য অভাবে মারা যাইতেছে। তরকারীর সের ১৷১৷০। চাষের জমি নাই—একোয়ার করিয়া নিয়াছে। তাহার ক্ষতিপূরণ টাকাও দিতেছে না। খান বাহাদুর জালালুদ্দীন মন্ত্রী হইয়াছেন। তাহার নিকট কোন প্রতিকার আশা নাই। অনুগ্রহ করিয়া আপনি প্রতিকার করুন।

মামুদ ইব্রাহিম।

So you will see, Sir, that even vegetables are selling at Re. 1 or at Rs. 1-4 per seer.

Now, Sir, although the District Magistrate has been doing his best our request is that Government here also must move just to relieve the acute situation in the district of Chittagong. Sir, everybody knows that many acres of land were acquired for the construction of roads, huts, houses and aerodromes for the military department. Sir, practically one-tenth of the arable land in the district has been acquired but most of the affected people have not yet received their compensation money. Sir, it is a well-known fact that the machinery of Government is proverbially slow. Perhaps Government will take six months to two years to settle the question of compensation money and by that time the poor people who are entitled to get compensation would be in the land of the dead and would not return to take the money which was due to them. So I make this fervent appeal to Government to expedite the question of payment of the compensation money. In that connection, Sir, I personally approached the Hon'ble the Chief Minister and the Hon'ble Mr. Shahabuddin but they simply instructed me to send my reminders one after another to the authorities concerned. Sir, I would not care much for the compensation money myself even if it is paid after eighteen months, but the poor people who eke out a hand-to-mouth existence from day to day will be saved if immediate payment of the compensation money is made to them.

Sir, the famine conditions prevailing in Chittagong as a permanent feature are the cumulative effect of a number of factors. One of them is the denial policy of Government. Country boats were all destroyed, and at present for want of iron and wooden materials the country boats which were destroyed cannot be replaced. There is therefore difficulty of transport within the district as well as from outside the district. So unless the military authorities provide special facilities by supplying military trucks and lorries there is no other alternative to relieve the situation.

Sir, to relieve the situation I would suggest that the barter system which was very successful in olden days be introduced. There is plenty of salt in Chittagong which can be had at a very cheap price and there is plenty of rice in Dinajpur selling at Rs. 10 per maund. If by barter process rice is brought from North Bengal to Chittagong and salt is sent there from Chittagong the difficulties experienced at both the places will be removed to a great extent. People of North Bengal are not getting salt whereas the people of Chittagong are not getting rice at all. If by mutual arrangement Chittagong was allowed to send salt and get rice in return, the situation will improve. In fine I appeal to the Governments of Bengal and India and to the Allied military authorities to turn their immediate attention to the distressed district of Chittagong and pray to Almighty Allah to shower His blessings on us.

(At this stage the time-limit was reached and the member resumed his seat.)

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. Speaker, Sir, I am glad in a manner that this matter has come up before this House as it has given me an opportunity to remove some of the misapprehensions and misgivings which have been voiced during the course of the debate. Sir, we sympathise with Chittagong. I would like to assure Mrs. Sen Gupta that we have not forgotten Chittagong and that we are taking steps, as many steps as are possible, under the difficult circumstances in which we are placed today.

It is true that Chittagong happens to be in the forward area; it is true that it is suffering on that account, and it is true too that a large number of its boats have been destroyed. These facts have to be faced. There is difficulty regarding movement. We find it extremely difficult to transport rice and other commodities to Chittagong. The Military have placed certain steamers at our disposal and we are utilising them to the full, but yet it is not enough. We are taking all possible steps in order to expedite movement. Hence the remedy which the honourable member, the Chairman of the District Board of Chittagong, has placed before us that barter would suffice, that remedy is not open to us. Barter is only possible if there is free movement. He says that if rice could be transported from Dinajpur to Chittagong easily salt could be transported from Chittagong to Dinajpur. But, Sir, neither is possible. We have plenty of rice in Dinajpur. Certain honourable members have asked me to disclose the stock of rice that we have collected. It is not open to me to disclose the amount, but I can assure them that we have plenty and with better facilities of movement we shall be able to ease the situation.

Apart from the fact that in spite of the difficulty of transport of food to Chittagong——

Mr. DHIRENDRA NATH DATTA: It is not possible to remedy the situation.

The Hon'ble Mr. H. S. SUHRAWARDY: ——it is possible to ease the situation.

Please understand the difficulty of movement when Mr. Bankim Chandra Mukherjee points out to the House that next door in Tippera the price happens to be Rs. 14 and yet the price is so high in Chittagong. There is no embargo: no prohibition; rice may be moved from there, from Tippera to Chittagong, yet the difficulties forthcoming are so great that the disparity in price persists. No difficulties or obstructions are being placed by Government.

Apart from this, Sir, there is also this to be considered that the people in Chittagong, big *jotedars*, have also kept back foodgrains, and it has been our painful duty to prosecute a young relation of Haji Badi Ahmed Choudhury, and that is for having defied the Foodgrains Control Order. (Loud noise.) The District Magistrate of Chittagong has taken steps to requisition stocks and there Haji Badi Ahmed Choudhury stands up ---

Mr. SHAH SYED GOLAM SARWAR HOSAINI: আমি জানতে চাই মন্ত্রী মহাশয়ের কাছে যে নোয়াখালীর চর অঞ্চলে গভর্ণমেণ্ট থেকে যে ধান কিনেছেন, সে ধান কোথায় ?

Mr. SPEAKER: Order, please.

The Hon'ble Mr. H. S. SUHRAWARDY: Surely, honourable members would like to know what steps have been taken, what instructions have been issued. I may tell them not only instructions have been issued but everything is under way for complete rationing—— (Loud noise and interruptions.)

Mr. SPEAKER: Order, please. I think it would be better to hear him. You can have your own idea.

The Hon'ble Mr. H. S. SUHRAWARDY: You see, Sir, that responsible members of that side of the House have not the patience——

Khan Bahadur Haji BADI AHMED CHOWDHURY: আমি দেখিতেছি যে তিনি পাড়াগাঁয়ের অবস্থা কিছুই জানেন না।

Mr. SPEAKER: খান বাহাদুর সাহেব! আপনি এখন বক্তৃতা করতে পারেন না। এটা আপনার বক্তৃতা করার সময় নয়।

The Hon'ble Mr. H. S. SUHRAWARDY: Instructions have been issued and steps have been taken for the purpose of complete rationing of Chittagong, Noakhali, the subdivision of Chandpur, all the subdivisions of Dacca, the Kushtia subdivision of Nadia, the Tangail subdivision of Mymensingh, the Serajganj subdivision of Pabna, and Hooghly and Howrah—all urban areas throughout Bengal even in the surplus area as well as all the subdivisional headquarters. (Mr. DHIRENDRA NATH DATTA: When would it be given effect to?) There must be local and temporary shortages. It is on account of the difficulties in Chittagong that the price in Noakhali has also risen due to a great deal of export from Noakhali and the Noakhali islands. In the interior of Noakhali, however, the position is not so bad, the price is fairly low and in Feni itself, a subdivision of Noakhali, the price ranged between Rs. 13 and 14.

Mr. SHAH SYED GOLAM SARWAR HOSAINI: মিথ্যা কথা।

Mr. A. M. A. ZAMAN : Sir, on point of order. আমরা জানতে পারি কি নোয়াখালি চর অঞ্চলে গভর্ণমেণ্টের পক্ষ থেকে যে ধান কেনা হয়েছে সে ধান কোথায় গেছে?

Mr. SPEAKER : Mr. Zaman, আপনি বসুন।

Mr. A. M. A. ZAMAN : Sir, ওঁরা গত বারে মেরেছেন লক্ষ লক্ষ লোককে, এবারেও কি আবার মারবার চেষ্টা চলেছে নাকি?

Khan Bahadur Haji BADI AHMED CHOWDHURY : মাননীয় স্পীকার মহোদয়, আমি আর একবার বলিতেছি যে উনি চট্টগ্রামের অবস্থা জানেন না, উনি যদি চেষ্টা করেন তাহা হইলে চট্টগ্রামে ধান এবং চাউল অতি সহজেই দিতে পারেন।

Mr. SPEAKER : খান বাহাদুর সাহেব, আপনি বসুন, আপনি আর বক্তৃতা করতে পারেন না।

Maulana ABDUR REZZAK : মন্ত্রী মহোদয় মিথ্যা কথা বলিতেছেন।

The Hon'ble Mr. H. S. SUHRAWARDY: You must understand that so far as Chittagong is concerned, there is local inflation. Dr. Sanaullah has said that if the people of Chittagong die, who will construct the military roads and aerodromes? The answer is, that those persons who are constructing the military roads and aerodromes are not the persons who are dying. The price is high but there has been a great deal of local inflation. This inflation is not confined to the few contractors but this inflation has been a general inflation and a large number of the poorer section of the people are able to earn money and to pay a fairly good price for their foodgrains. There is a section of the people, particularly the middle class, who have been very badly hit. Their income has not kept pace with the price of rice. At the present moment, as the honourable members probably know, the position is that the entire town of Chittagong and the urban area has been rationed. So far as the Sadar Suburban area is concerned, it has been rationed to the extent of 25 per cent., and the District Magistrate is taking very urgent steps and has been able to ration in a large number of areas ten per cent. of the population. I have issued instructions that Chittagong should be put on ration up to 50 per cent. of the population; and if the supplies we are sending—and we are stepping up the supplies—will enable us to do it, we shall step up the proportion still higher. So far

as the movement is concerned, we are sending rice from Dinajpur by meter gauge, via Tistamukh Ghat. We have also made arrangements to get further rice from Assam, and I have no doubt at all that the next fortnight will show a considerable improvement in the Chittagong situation. One will have to contend with difficulties. One cannot just say, "let this thing be done" and that thing will be done at once.

The District Magistrate has for the time being closed the gruel kitchens because the attendance there fell, but these gruel kitchens are standing by, and the District Magistrate has—in all these various places where there is a possibility of scarcity—he has stocked the rice, and is prepared to open the kitchens as soon as the situation demands it.

Although Mr. Dhirendra Nath Datta has repeated over and over again that thousands of persons are dying, I wish categorically to deny this. I have been given complete information regarding this. I am in constant communication with the District Magistrate, Chittagong, and I have asked him to let me know if there is any such case. He has opened workhouses, which serve as an indication of the distress in the district. You may say that a class of people do not go there; that the middle class do not go there; but when distress overtakes the district, the workhouse will be the first pointer, but the workhouses are empty. If actually the people of Chittagong were suffering to the extent stated, namely, that thousands of people are dying, people would have resorted to workhouses, where all arrangements have been made to feed the poor.

Dr. NALINAKSHA SANYAL: Why has the collection of vital statistics been stopped?

The Hon'ble Mr. H. S. SUHRAWARDY: It has not been stopped; only the agency has been altered.

It is no use referring over and over again to Cox's Bazar. You must recognise that so far as Cox's Bazar is concerned, it is in a very special situation.

Mr. SPEAKER: The motion has been debated for full two hours: it is talked out. The House stands adjourned till 4-45 p.m. tomorrow.

Adjournment.

The House was then adjourned at 8-15 p.m. till 4-45 p.m. on Friday, the 16th June, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the Provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 16th June, 1944, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 10 Hon'ble Ministers and 174 members.

STARRED QUESTIONS

(to which oral answers were given)

Number of Co-operative Assistant Registrars in Bengal.

***423. Dr. SHARAT CHANDRA MUKHERJEE:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*i*) the number of Assistant Registrars at present, working in the Province in each Division; and

(*ii*) the number of them who have been promoted from the rank of Inspector?

(*b*) Will the Hon'ble Minister be pleased to state the general principle which is followed in selection of such Assistant Registrars?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) how many of the Inspectors have been promoted to the rank of Divisional Auditors during 1942-44 with their respective qualifications; and

(*ii*) what was the principle followed in giving such promotion?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) the name of the present Assistant Registrar of the Presidency Division;

(*ii*) his qualification; and

(*iii*) the period of service and date when he was promoted?

(*e*) Is it a fact that he has been appointed in supersession of the claim of many other officers?

Khan Bahadur A. F. M. ABDUR RAHMAN (on behalf of the Hon'ble Mr. Jogendra Nath Mandal): (*a*) (*i*)—

Presidency Division	2
Burdwan Division . ..	3
Rajshahi Division	3
Dacca Division	3
Chittagong Division	2
Total ...	13

(*ii*) Only one.

(*b*) Fifty per cent. of the Assistant Registrars are recruited from Bengal Civil Service and Bengal Junior Civil Service. The principle of selection is good service record subject to their being spared by the Appointment Department.

The other fifty per cent. are appointed by departmental promotion to which Divisional Auditors and Inspectors are eligible. The principle of selection is merit and seniority in service.

(c) (i) Eleven, of whom three are M.A's., four are B.A's. and four are under-graduates.

(ii) Merit and seniority.

(d) (i) Babu Dinesh Chandra Chatterji in charge of Jessore-Khulna districts and Maulvi Mozaharul Karim in charge of Calcutta and 24-Parganas districts.

(ii) Babu Dinesh Chandra Chatterji is an M.A. and Maulvi Mozaharul Karim is a Matriculate.

(iii) Babu Dinesh Chandra Chatterji was promoted on 27th September, 1940, and Maulvi Mozaharul Karim on 26th October, 1942. The lengths of their service when they were promoted were 25 years 1 month and 12 days, and 23 years 11 months and 26 days, respectively.

(e) No.

Age restriction for candidates for appointment as Co-operative Inspectors, Auditors, etc.

***424. Mr. SUKUMAR DUTTA:** (a) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(i) whether any age restriction was imposed in the last advertisement for the recruitment of Inspectors, Auditors, etc., for his department;

(ii) whether any fee was charged along with the submission of applications;

(iii) if so, at what rates;

(iv) what was the amount collected;

(v) whether there was any procedure for selection;

(vi) whether all the candidates, who had deposited the necessary fees, were called for sitting at the examination;

(vii) how the selection of candidates was made to allow them to appear at the examination;

(viii) whether the candidates over the age-limit of 25 or 26 were asked to deposit the fees;

(ix) whether their cases were not considered by reason of age-limit imposed after receipt of their application forms and necessary fees;

(x) if so, how many such cases are there; and

(xi) whether any steps have been taken by the department to refund the fees received from such candidates?

(b) Do the Government propose to form "Appointment Boards" or some similar bodies to deal with such appointments?

Khan Bahadur A. F. M. ABDUR RAHMAN (on behalf of the Hon'ble Mr. Jogendra Nath Mandal): (a) (i), (ii) and (v) Yes

(iii) Rs. 10 for the post of Inspector and Rs. 5 for the post of Auditor or Assistant Auditor.

(iv) Rs. 7,540.

(vi) and (vii) Every candidate satisfying the conditions laid down in the advertisement was permitted to sit for the examination. In addition, a few candidates who are already in Government service and a few others having special claims in the co-operative movement though exceeding the age-limit, were permitted to sit for the examination.

(viii) No candidate was specifically asked to deposit fees.

(ix) No age-limit was imposed after the advertisement calling for application was published.

(*x*) Does not arise.

(*xi*) Fees are not refundable according to terms of advertisement.

(*b*) A Selection Committee has been formed.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state the names of the few other candidates who have special claims and who have been allowed to sit though they have exceeded the age-limit?

Khan Bahadur A. F. M. ABDUR RAHMAN: It is not possible to answer the question and I ask for notice.

Sj. NARENDRA NATH DAS GUPTA: Here only the names of a few others are necessary. Will the Hon'ble Minister be pleased to state what were their special claims which entitled them to the examination though they exceeded the age-limit?

Khan Bahadur A. F. M. ABDUR RAHMAN: Having connection with the co-operative movement—that is their special claim.

Mr. SUKUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether the increase of revenue by Rs. 7,540 by collection of fees was justified and whether he will consider the desirability of refunding them?

Khan Bahadur A. F. M. ABDUR RAHMAN: No. The collected fees were spent on paying some sort of fees to the examiners who examined the papers of the candidates.

Mr. SUKUMAR DUTTA: But this cannot amount to Rs. 7,540.

Khan Bahadur A. F. M. ABDUR RAHMAN: Besides the costs of paper and other things

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state how many applications were received?

Khan Bahadur A. F. M. ABDUR RAHMAN: I ask for notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether there were any candidates who deposited fees but were not allowed to sit for the examination?

Khan Bahadur A. F. M. ABDUR RAHMAN: The candidates who satisfied the terms of the advertisement were all called for the examination.

Mr. NISHITHA NATH KUNDU: My question is whether there were any candidates who deposited fees but were not allowed to sit for the examination?

Khan Bahadur A. F. M. ABDUR RAHMAN: I ask for notice.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state why the candidates were not specifically asked to deposit fees while others were asked, who were below the age-limit, to deposit fees? Why this differential treatment?

Khan Bahadur A. F. M. ABDUR RAHMAN: Nobody was specifically asked.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us who were the members of the Select Committee?

Khan Bahadur A. F. M. ABDUR RAHMAN: Registrar, Co-operative Societies, ex-Deputy Registrar and now a Special Officer and the Parliamentary Secretary of the Department.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether these appointments are temporary or of a permanent character?

Khan Bahadur A. F. M. ABDUR RAHMAN: At the present moment they are temporary but they will be made permanent afterwards.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state for how many months are these appointments now expected to run?

Khan Bahadur A. F. M. ABDUR RAHMAN: They will have to go for a training and after the training there will be a departmental examination.

Dr. NALINAKSHA SANYAL: For how many months are these appointments sanctioned? He has first answered my question that these are temporary appointments for the time being with the prospect of being made permanent. My next question is, for how many months are the present incumbents likely to be now appointed?

Khan Bahadur A. F. M. ABDUR RAHMAN: They won't be appointed. They will be selected for the training class and after the training class is over, they will be formally appointed.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether any scheme or plan has been drawn up showing the number of months the officers are required to serve and the amount of money sanctioned for maintaining the staff for those number of months?

Khan Bahadur A. F. M. ABDUR RAHMAN: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that for permanent Inspectors of the department the Public Service Commission has to be approached for selecting such Inspectors?

Khan Bahadur A. F. M. ABDUR RAHMAN: No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that during the previous Government the appointment of Inspectors in the Co-operative Department was made on the recommendation of the Public Service Commission?

Khan Bahadur A. F. M. ABDUR RAHMAN: No, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that during the régime of Mr. Mukunda Behary Mullick lists of candidates were drawn up on the recommendation of the local officers—District Magistrates—and thereafter these lists were forwarded to the Public Service Commission from the Secretariat of the Government?

Khan Bahadur A. F. M. ABDUR RAHMAN: I have no information.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether these appointments come under the general services which are under the control of the Provincial Public Service Commission in case they are of a permanent character?

Khan Bahadur A. F. M. ABDUR RAHMAN: I do not think so. The head of the department makes these appointments.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is considering the desirability of consulting the Provincial Public Service Commission for the appointment of Inspectors and Auditors of the Co-operative Department?

Khan Bahadur A. F. M. ABDUR RAHMAN: Not at the present moment.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what amount of money would be involved in the payment of salaries of the inspectors and auditors referred to in question (*a*) of which the answer is "yes"?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the amount required for paying the salary of these officers would be substantially recouped from the application fees that have been collected by Government?

Khan Bahadur A. F. M. ABDUR RAHMAN: Certainly not.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what proportion of the salaries will be covered by the fees collected?

Mr. SPEAKER: I disallow that question.

Dr. NALINAKSHA SANYAL: May I submit, Sir, that I had asked a question previous to this and I believe the question is already in possession of your department where I have directed a question to the Finance Department enquiring the total number of appointments made, the number of applicants for the different categories of posts and the total amount of fees collected. That has been hanging on for more than a year now. If that question had been answered, we could have found out the Government's present policy. It is extremely unfortunate that this has not been done. That is why I am specifically asking this question. Let me have an answer.

Mr. SPEAKER: I have disallowed that question already.

Mr. NISHITHA NATH KUNDU: Are we to take it by the answer "No candidate was specifically asked to deposit fees" that the candidates would do without depositing any fee whatsoever?

Khan Bahadur A. F. M. ABDUR RAHMAN: No candidate is allowed to sit for the examination who does not deposit any fee.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the collection of fees in this manner with a view to distribute a part of the same by way of salaries comes under the Betting Tax Act?

Mr. SPEAKER: That is a question of opinion.

Mr. NISHITHA NATH KUNDU: In view of the answer just now given to my question, will the Hon'ble Minister explain what does he mean by the expression "No candidate was specifically asked to deposit fees"?

Mr. SPEAKER: You want him to explain that? That was the general condition of the advertisement. I disallow that question.

Mr. NISHITHA NATH KUNDU: What were the exact conditions mentioned in the advertisement regarding depositing fees?

Khan Bahadur A. F. M. ABDUR RAHMAN: Conditions were published in the newspapers.

Appointment of relief staff at Rajbari and maintenance of communal ratio.

*425. **Mr. PRAMATHA RANJAN THAKUR:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether communal ratio was maintained in appointing the relief staff at Rajbari?

(*b*) If not, why not?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) whether Government sanction was obtained for making these appointments;

(*ii*) whether these appointments were made after due advertisements in newspapers;

(*iii*) whether any of the original appointments have been rescinded; and

(*iv*) if so, how many, and on what grounds?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) The communal ratio was maintained in appointing the general clerical and menial staff but not in the case of camp hospital and workhouse staff.

(*b*) It was not possible to maintain the communal ratio in the appointment of medical staff for dearth of suitable candidates with the requisite technical knowledge. In the case of workhouse staff preference had to be given to persons having the necessary educational qualification and special fitness for the posts.

(*c*) (*i*) Sanction of Government was accorded in some cases to the creation of the posts, actual appointment being made by the Collector.

(*ii*) and (*iii*) Yes.

(*iv*) Appointments of three nurses were set aside in order to maintain the communal ratio.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state what are the designations of the workhouse staff?

The Hon'ble Mr. TARAK NATH MUKERJEA: There are various posts—superintendents down to the menial staff.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister please tell us how long these three nurses were in service before their appointments were rescinded?

The Hon'ble Mr. TARAK NATH MUKERJEA: Only a short time. As regards the exact time I want notice.

SJ. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to tell the names of the three nurses whose appointments have been rescinded?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state what technical qualifications are necessary for workhouse staff?

The Hon'ble Mr. TARAK NATH MUKERJEA: Various technical qualifications are necessary for various purposes.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to enumerate at least one or two technical qualifications that are required for workhouse staff?

The Hon'ble Mr. TARAK NATH MUKERJEA: In case of giving training in different arts, special knowledge is necessary.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state what steps Government took to advertise for the recruitment of the workhouse staff?

The Hon'ble Mr. TARAK NATH MUKERJEA: The appointments were made locally by the Collector and owing to shortness of time it was not possible to advertise them.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to issue instructions to the local officers to see that sufficient advertisements are made for the recruitment of these posts in view of the fact that they always supersede the claims of Muslims and Scheduled Castes on the plea that suitable candidates are not available?

The Hon'ble Mr. TARAK NATH MUKERJEA: That has always been done.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state what are the difficulties standing in the way of selection of candidates according to the communal ratio rules for the purpose of the workhouse staff?

The Hon'ble Mr. TARAK NATH MUKERJEA: As I have already stated, suitable candidates with technical knowledge were not available.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have issued any instructions to the local officers directing them not to proceed with relief operations unless and until they can obtain suitable staff on the communal ratio basis technically qualified to undertake different categories of work?

The Hon'ble Mr. TARAK NATH MUKERJEA: The answer is in the negative.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have been considering the desirability of encouraging Muslim appointments and Scheduled Caste appointments by stopping relief work unless and until the necessary communal ratio is procured or obtained?

Mr. SPEAKER: I disallow that question. It does not arise out of the main question.

Dr. NALINAKSHA SANYAL: Why, Sir? It relates to relief operations.

Mr. SPEAKER: Let me see whether it arises.

Dr. NALINAKSHA SANYAL: It relates to appointment of relief staff. It is an atrocious policy. Government will not continue relief till Muslim representation is adequate. It is most unjustified. I strongly protest against this policy.

So my question is whether so long as communal ratio cannot be maintained by obtaining technically qualified men relief operations should be stopped.

Mr. SPEAKER: Do you mean whether Government is considering the desirability of doing so?

Dr. NALINAKSHA SANYAL: Yes, Sir.

Mr. SPEAKER: That is a pertinent question.

The Hon'ble Mr. TARAK NATH MUKERJEA: That is not a fact. Relief work stands supreme and that is the reason why it was not possible to follow the communal ratio rules in this case.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how many of the staff originally appointed in the Rajbari area were temporarily taken and subsequently substituted by members of other communities?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that a number of duly qualified members of the Hindu community were given appointments first because there was urgency of relief needed at the place and no other candidates were available there, and these persons were subsequently turned away and room was made for candidates of other communities later on?

The Hon'ble Mr. TARAK NATH MUKERJEA: A very large number of appointments were made and unless specific instances are cited I cannot answer the question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how many candidates of the different communities were taken in the beginning and what is the position now?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the persons appointed at the beginning were taken on a temporary basis only with a view to make room later on for persons of other communities when relief operations were over?

The Hon'ble Mr. TARAK NATH MUKERJEA: I have no such information.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that at the time when actual relief was needed the Hindus volunteered their services but the Muslims did not?

The Hon'ble Mr. TARAK NATH MUKERJEA: Everybody volunteered.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that Muslims were not available at the time for voluntary work?

The Hon'ble Mr. TARAK NATH MUKERJEA: Many Muslims were available and candidates from all communities were available.

Dr. NALINAKSHA SANYAL: May I know, if candidates of all communities were available how then you have answered as in (*b*) that for dearth of suitable candidates the necessary communal ratio could not be maintained?

The Hon'ble Mr. TARAK NATH MUKERJEA: As I have stated, the number of candidates was not up to the quota necessary for communal parity.

Dr. NALINAKSHA SANYAL: Am I to understand that although the requisite number of candidates were available the local officials acted contrary to the Government orders?

The Hon'ble Mr. TARAK NATH MUKERJEA: Not up to the requisite quota was available, but a fairly large number was available.

Mr. NISHITHA NATH KUNDU: With reference to answer (*c*)(*i*), will the Hon'ble Minister be pleased to state why sanctions were not obtained from the Government in all the cases of appointments?

The Hon'ble Mr. TARAK NATH MUKERJEA: In the case of minor appointments no sanction is necessary. Only in the case of bigger appointments sanction has to be obtained.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister be pleased to state if he is aware that the Subdivisional Officer, Mr. H. L. Roy, made these appointments?

Dr. NALINAKSHA SANYAL: On a point of order, Sir——

The Hon'ble Mr. TARAK NATH MUKERJEA: Yes.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. On a previous occasion you disallowed such a question. But on this question which has been surreptitiously replied to by the Hon'ble Minister my point of order has been that my friend Mr. Mridha has asked a question specifically mentioning an officer by name. On a previous occasion when I sought to ask a similar question with reference to a particular officer at Jangipur, asking the name of the officer there, you disallowed it, but is it because in this case it is a Hindu officer that you have allowed it?

Mr. SPEAKER: You are again making a reflection on the Chair, Dr. Sanyal. I can tell you that my attention was not drawn to it.

Dr. NALINAKSHA SANYAL: But immediately the question was put I rose on a point of order, and I was enquiring of you——

Khan Bahadur MOHAMMED ALI: Dr. Sanyal has definitely cast an aspersion on you, Sir, and he must be asked to withdraw it.

Mr. SPEAKER: You have made a definite statement as if I have allowed a certain question which I disallowed previously.

Dr. NALINAKSHA SANYAL: No, I have asked you to make a statement on the subject and if you say no, it is finished. There was a conspiracy between two members and there was a reply. Immediately the question was put I got up and immediately I wanted to know from you whether it was in order.

Mr. SPEAKER: I certainly would not have allowed it if my attention had been immediately drawn to it. Certainly names should not be introduced when it can be avoided; that is the general rule. It is only when it cannot be avoided that names can be introduced. So I hope similar attempts will never be made again.

(At this stage three members belonging to the Coalition Party, namely, Khan Bahadur Mohammed Ali, Mr. Abdulla-al Mahmood and Mr. A. M. A. Hamid rose in their seats and continued speaking simultaneously.)

Mr. A. M. A. HAMID: Sir, the position was that Mr. Mridha asked for the name which was supplied in reply.

Mr. SPEAKER: What was your question, Mr. Mridha?

Maulvi AHMED ALI MRIDHA: My question was if the Hon'ble Minister is aware that the Subdivisional Officer, Mr. H. L. Roy, made these appointments.

Mr. SPEAKER: I think in that case I should have said, I disallow the question Unfortunately my attention was not drawn to it.

Khan Bahadur MOHAMMED ALI: But that is no reason why he should cast any reflection on the Chair.

Mr. SPEAKER: Dr. Sanyal says that he has not cast any reflection on the Chair but put a question.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister be pleased to state whether in spite of the fact that there were so many undergraduates and matriculates amongst the Muslim candidates the appointing authority instead of appointing them appointed men with lesser qualifications from amongst candidates of other communities?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice.

Maulvi AHMED ALI MRIDHA: Is the Hon'ble Minister aware that Matriculation is the requisite qualification for posts of clerks, supervisors and superintendents?

The Hon'ble Mr. TARAK NATH MUKERJEA: There is no definite qualifications prescribed for temporary appointments.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister be pleased to state if to the exclusion of duly qualified Muslims, some of them even being undergraduates, the appointing authority appointed candidates even of the age of 72 and of similar old age?

The Hon'ble Mr. TARAK NATH MUKERJEA: I have no information.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister be pleased to state of all the Superintendents appointed, how many of them were above the age of sixty years?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister be pleased to state if where Matriculates are demanded, Graduates are taken by the appointing authority only for the purpose of excluding the Muslims?

The Hon'ble Mr. TARAK NATH MUKERJEA: I have no such information.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister be pleased to state whether in the case of workhouses the claims of Muslims and Scheduled Castes were entirely neglected in this manner?

The Hon'ble Mr. TARAK NATH MUKERJEA: As I have already stated, I have no such information.

Mr. PRAMATHA RANJAN THAKUR: Will the Hon'ble Minister please state what are the qualifications of the candidates that have been appointed and what were the qualifications of the candidates that were appointed before?

The Hon'ble Mr. TARAK NATH MUKERJEA: As I have already said, no definite qualification has been laid down and the appointment was left to the decision of the District Magistrate.

Maulvi AHMED ALI MRIDHA: With reference to the answer of the Hon'ble Minister that the Collector was in charge af appointments, will the Hon'ble Minister please state if he is aware that the Collector was entirely ignorant of the appointments that were made at the time?

The Hon'ble Mr. TARAK NATH MUKERJEA: The instructions were issued to the Collector and it was for him to authorise or entrust the work to any other officer.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister please state if at the time the appointments were made, there was a representation made by the local people to the Collector and the Collector being away from the station could not take steps?

The Hon'ble Mr. TARAK NATH MUKERJEA: I am not aware. I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if he is aware that some of the Hindu officers and staff appointed originally were replaced by Muslim officers and staff after a Muslim Subdivisional Officer came to the place?

The Hon'ble Mr. TARAK NATH MUKERJEA: I have no such information.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister please state if the local people, even including the M.L.A., made representation to the Hon'ble the Chief Minister complaining against the conduct of the Subdivisional Officer who made the appointments?

The Hon'ble Mr. TARAK NATH MUKERJEA: May be, but I am not aware.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister please state if the Chief Minister made personal enquiry into the matter and held that the officer was entirely wrong and on that ground he was punished and transferred?

The Hon'ble Mr. TARAK NATH MUKERJEA: It was a matter concerning the applicants and the Hon'ble the Chief Minister.

Mr. PRAMATHA RANJAN THAKUR: Will the Hon'ble Minister please state if it is not a fact that the candidates appointed have got less qualification than the candidates formerly appointed?

The Hon'ble Mr. TARAK NATH MUKERJEA: I have already said these appointments are left to the District Magistrate.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if there is the slightest truth in the suggestion made by Mr. Mridha that the Subdivisional Officer of Rajbari was punished and transferred from the place after an enquiry by the Chief Minister into these appointments because mainly he selected Hindus as qualified candidates?

The Hon'ble Mr. TARAK NATH MUKERJEA: I have no such information.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister please state if he considers the desirability of looking into all papers in connection with the alleged complaint and enquiry, and all the petitions and other facts in connection therewith, and ascertain whether the allegations as were made in my question were true and whether he is making adequate compensation to the Muslims in this matter?

The Hon'ble Mr. TARAK NATH MUKERJEA: I will consider.

Mr. PRAMATHA RANJAN THAKUR: Will the Hon'ble Minister please state if it is not a fact that the local Muslim M.L.A. influenced the Collector to appoint these candidates?

The Hon'ble Mr. TARAK NATH MUKERJEA: I have no such information

Mr. ATUL CHANDRA SEN: With reference to answer (c)(iv), will the Hon'ble Minister please state what are the qualifications of the three nurses whose appointments have been set aside?

The Hon'ble Mr. TARAK NATH MUKERJEA: Nurses have got nurses' qualification. I do not know of any other qualification.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister please state if Government will make suitable compensation to the three nurses whose appointments have been set aside for no fault of theirs?

The Hon'ble Mr. TARAK NATH MUKERJEA: I am not aware of the details or under what circumstances these nurses were appointed or discharged.

Maulvi AHMED ALI MRIDHA: Will the Hon'ble Minister please state if it is a fact that in the camp hospital at Panibahar a Scheduled Caste member was a candidate; he was a matriculate and passed in compoundership examination; he was excluded and another Caste Hindu gentleman who had no such qualifications had been appointed?

The Hon'ble Mr. TARAK NATH MUKERJEA: I have no such information.

Sj. NARENDRA NATH DAS GUPTA: In view of the reply that communal ratio could not be maintained in case of the camp hospital, will the Hon'ble Minister please state what is the reason that the appointments of the three nurses were rescinded?

The Hon'ble Mr. TARAK NATH MUKERJEA: The answer is there and I have nothing further to add.

Mr. SPEAKER: Questions over

Point of Privilege.

Dr. NALINAKSHA SANYAL: Sir, I have to invite your attention on a matter of privilege to the notice that we received day before yesterday

of which some reference was made in the House. It shows that the notice was posted in the General Post Office in Calcutta on the 14th morning and it was delivered at least at my place from the Rash Behary Avenue Post Office at 4-30 p.m. that day after we had actually assembled in the House.

Mr. SPEAKER: Please make over that notice to me: I will look into it.

Dr. NALINAKSHA SANYAL: Mr. Banerji has also another similar note with him.

Mr. SPEAKER: I will look into this.

Dr. NALINAKSHA SANYAL: Sir, we do hope that in future there would be sufficient time before the notice would be issued, if at all, otherwise there would be a feeling that some discrimination has been made. I do not like that feeling. I do feel that I should not have made insinuation against the office with regard to the European Party.

Mr. SPEAKER: Thank you.

NON-OFFICIAL RESOLUTION.

Dr. NALINAKSHA SANYAL: Sir, in connection with non-official resolutions, the other day we had Resolution No. 7 of Mr. Mirza Abdul Hafiz. In that connection, Sir, on the day previous I was in possession of the House continuing my speech. May I have your permission to continue that speech? I would like to submit to you my reasons for the same. I was unavoidably detained on that day. When I was seeking your permission to speak, you wanted a precedent. In that connection I may submit that on a previous occasion Mr. Shahedali on the other side, then a member of the Krishak Proja Party, once when called upon by the Speaker, was absent, and then after some time he came and explained that for some unavoidable circumstances he could not come in time. The then Speaker, Sir Azizul Haque, did allow him to speak.

Maulvi AHMED ALI MRIDHA: On a point of order, Sir. How can he do that?

Mr. SPEAKER: That is exactly what I am thinking of. But he is not speaking, and I have not given him permission. He is only making his submissions.

Dr. NALINAKSHA SANYAL: I have nothing to add to what I have said. Only one word I would add. I understand that the Hon'ble Minister in charge of the Publicity Department has got a pretty big typed out reply—a supposed reply to my supposed speech—and in order to facilitate him and to give him an opportunity to reply, I should have an opportunity to speak. But if I am not allowed to speak, his whole prepared speech would, I think, be useless.

Mr. SPEAKER: How do you know the secret? (Laughter.)

Khan Bahadur MOHAMMED ALI: Sir, may I say a word? The other day Dr. Sanyal raised this question and he was disallowed, and again he is raising the same question today. I do not think that he is entitled to do so.

Mr. SPEAKER: Dr. Sanyal, I have looked into the papers. It appears that you spoke for full fifteen minutes and wanted more time, and then the Deputy Speaker said that he did not know whether the rules permitted that but if the rules permitted he would allow you to speak more. That means you exhausted the full 15 minutes. Then on the next day I came and I called you. You were absent. (Dr. NALINAKSHA SANYAL: I admit that.) So I think you lost your chance and I regret you cannot be allowed.

Dr. NALINAKSHA SANYAL: Then the Minister will also lose his chance.

Maulvi AHMED ALI MRIDHA: Mr. Speaker, Sir, the question is communal ratio and we are called communal by our nationalist friends for that. Our friends call themselves national, they give us the stigma of ourselves being communal, but, Sir, in this connection my simple word will be that whichever lessons we have got we got our lessons systematically from people belonging to the community which now pose as being of the national group. So, Sir, development of this mind in us, if it is communal by their estimation, it is due not from anything intrinsic in us but surely, from what we learnt by words taught, by the conduct exhibited, by all that was shown before us by our teachers who pass in the name of nationalists. Here in the legislature as I came I found the nationalist minds. Again, Sir, whichever was an office and whichever was a department I could make my sojourn to, I found what was there taking place and what was a gesture and what was a whisper. All were known. So, Sir, the mind that has developed amongst the Mussalmans and amongst the Scheduled Castes would have been an eye-opener to our friends opposite but that did not become so.

The time when a few years back some Mussalman friends of mine moved the motion here for consideration whether the communal ratio rules for appointment should be made or not a voice of protest was raised barring possibly one gentleman who said something but behaved in another way, I must say. He was Mr. Sarat Chandra Bose. He could say by then that the Universities of Calcutta and Dacca produced graduates numerous enough to adorn any seat in any place and with credit in the employments in Bengal, but ultimately when the Hon'ble Ministers in the Cabinet decided to consult the leaders of different groups, what was his behaviour was too patent. He slided away, he could not be caught. Sometimes he was not found and sometimes he was wavering and he avoided attending any meeting in which communal ratio rules had to be discussed. Hon'ble Ministers could not find Mr Sarat Chandra Bose in spite of all the searches, all the notices served upon him, all the requests to him and all the entreaties that were made to him. Ultimately the communal ratio rules were adopted and for the drafting of it I know definitely the then Hon'ble Mr. N. R. Sarker was primarily responsible He made certain rules which were not in keeping with the decision made in this House. There was his influence which gave us only 50 per cent. of the new appointments and barring also some appointments which are called technical, educational and some others like that. Anyway some rules were framed and adopted and thereafter the working is going on for several years. What is the result of the question? How the present resolution is relevant and why there is a need for Mr. Mirza Abdul Hafiz just to move a resolution in this House again to have a committee of enquiry and to have other things also to implement these communal ratio rules that were adopted at that time?

Sir, here today we got a quarrel as between Dr. Sanyal on one side and my humble self on the other. There were assertions and counter-assertions. All these things go to indicate something. Sir, the meaning is quite clear.

Mr. SPEAKER: Mr. Mridha, we must rise now for the *Asar* prayer. The House stands adjourned for 15 minutes for prayer.

(The House was accordingly adjourned for 15 minutes.)

(After adjournment.)

Enquiry into the Howrah Municipality case in the High Court.

Dr. NALINAKSHA SANYAL: Sir, after the prayer recess, may I enquire if you have any information regarding the case proceeding in the High Court regarding the Howrah Municipality and if it is a fact, as is reported, that the High Court has made the rule absolute and asked the Government of Bengal——

Khan Bahadur MOHAMMED ALI: It is a hearsay. He has said "as is reported". It may not be true.

Dr. NALINAKSHA SANYAL: And whether the Provincial Government has been made a party and an interim injunction has been issued on the Provincial Government and the Commissioners have been asked to continue to function?

Mr. SPEAKER: That is another matter. I have no information on that point and I do not think I am interested in it.

Dr. NALINAKSHA SANYAL: In that case, may we know if Mr. Pain who is present here knows anything whether he is continuing as Chairman and, as is reported, he has actually resigned his membership?

Mr. SPEAKER: That is a question that cannot be discussed now.

NON-OFFICIAL RESOLUTION.

Maulvi AHMED ALI MRIDHA: Sir, I was referring to an incident in this House. During question-time, I myself on one side and Dr. Sanyal on the other, were, as it were crossing swords. The position was that a question was put by Mr. P. R. Thakur in connection with certain relief works and appointments thereof in Rajbari, headquarters station of the Goalundo subdivision in Faridpur. It is well-known that Dr. Sanyal belongs to Murshidabad and possibly he has never had any occasion to be within the four corners of the subdivision or of the district. Today he was taking a very great interest in the affairs of that district and he was only making certain insinuations and suggestions which were never based on facts. They were only the products of his imagination. He was going to say something and allege something which were, according to my information, entirely untrue.

Sir, I uttered the word "untrue", because I think that word is parliamentary. I could have uttered the other word because that would apply also.

Sir, the position is this. Dr. Sanyal's mind works when an offence has been done and when an offence has been given by some officers to the two communities together, the Mussalmans and Scheduled Castes, Dr. Sanyal makes some insinuations and without any knowledge and without any information he pokes his nose into the affairs and tries to assert something which is entirely baseless, without foundation and untrue. But what does it lead to? It leads to one thing. It creates a feeling in the people who are already injured—a feeling which cannot be neglected. If the members opposite, especially the leaders, have got a mind to perceive, ears to hear and eyes to see they must look into these things, because it is the interest of the country as a whole that the interests of the different communities must be looked into by those people who pass in the name of nationalism, who pass in the name of bodies working as representatives of different communities, I mean the Official Congressmen who sometimes talk in the names of Hindus and Muslims both. But if that claim is to be made at all, then it was their duty, almost a religious duty, to look at the whole affair when the feeling is so high, when an allegation is made, when a complaint is lodged and when a grievance is attributed—it was the clear duty of the leading men of the Congress Party to look into the facts, hold enquiries and do their level best to do justice to the communities or people who are affected. Not doing that, they take an attitude which is offensive, offensive to the feelings whose cup is full among the people.

Sir, I come from Rajbari. It is my place. I was the man to be charged with negligence when these things had occurred. I have been in Calcutta. I could get information, I could know what things were taking place in Rajbari, but being in Calcutta I thought it wise to make some references to the appointing officer and his higher authority, I mean the District Magistrate of Faridpur. The officer concerned was the Subdivisional Officer of Goalundo. The other day I mentioned his name. His name was Mr. H. N. Roy. He was doing the mischief behind the back of the District Magistrate.

The District Magistrate, in spite of what was written from here, could not have time to go to the place and see what was actually taking place. What was done, was done. How many appointments were made—about 250, and out of those appointments Muslims got only 10 per cent. or even less, the Scheduled Castes got 1 per cent. or like that. I put one question upon this matter and one such subject only I got an answer in the Assembly. It is No. 367 which was answered in this House on the 5th June, 1944. The question was very simple. The question was: how many workhouses have been started in the said subdivision—the subdivision of Goalundo, where they are located, what are the strength of the staff including the menials, what are their salaries and which of the above employments have gone to Muslims and Scheduled Castes. Sir, the following answers were given. Twenty-seven workhouses have been started. How many Superintendents were appointed? The total number was 23. How many have gone to the Muslims? Six. How many have gone to the Scheduled Castes? Four. How many supervisors have been appointed? The total number is 38. How many of them are Muslims? Eight. How many Scheduled Castes? Two. How many clerks have been appointed? The total number is 22. How many Muslims? Two. How many Scheduled Castes? Nil How many menials have been appointed? The total number is 5, of whom Muslims are three and Scheduled Castes nil. Sir, it is curious that even after this question was answered the other day Dr. Sanyal should be taking interest in this way and making insinuations and suggestions just as if he would support a man whose conduct could never be supported Had he been honest, had he the least inclination of doing justice and had he any sympathy he would have just gone out then and there and castigate the man and criticise him in suitable language. But instead of doing that he came forward today and said something which was entirely baseless and false. This is the situation, Sir. Now, Sir, what is the actual position The communal ratio rules were there already made known Every officer should know that he has to obey it. What was this particular officer doing? What are the qualifications needed for the post of a superintendent and the post of a supervisor and for the posts of clerks and menials in a workhouse which is temporarily established for relief operations? Any man with a good amount of intelligence could have been thought to be sufficiently qualified for the post of a superintendent or a supervisor For the posts of Superintendents, supervisors and clerks even non-matriculates with sufficient intelligence could have been considered qualified. But Mr Roy chose to attach special qualification, namely, matriculation standard passed And how did he behave when the candidates came? And about 1,000 candidates assembled What did he do then? He then raised the standard to graduates for the posts of superintendents; and in order to select candidates he took recourse to one more tactics, namely, experience. In the name of experience what did he do? He appointed Babu Trailokya Nath Bhattacharji, my teacher. How old is he? I am now 57. Trailokya Babu taught me in the 4th class, namely, class VII. He was then head master. He was prompted to be head master after service for 4 or 5 years. That is the man who has been appointed as a superintendent although he was not able to make a short journey of a few yards. He was a too old and decrepit gentleman. Such a man was given appointment to the exclusion of young aspirants, sturdy, intelligent. What is his educational qualification? A graduate. Undergraduate Muslims were excluded. A number of Matriculate Muslims and Scheduled Castes were excluded. As regards menials, we find that five were appointed, of whom three were Muslims and Scheduled Castes nil Does anybody think that even menials cannot be found among Scheduled Castes? Does Dr Sanyal mean to say that even menials could not be found from Scheduled Castes? I expected, Sir, that my friends opposite would say that the communal ratio rules were not being translated into action on account of the nefariousness of the officers. I do not mean all officers but only some officers who are in charge of appointments. They are making nefarious moves; they are indulging in nefarious activities in order to exclude Muslims and Scheduled

Castes. I do not say that all officers are bad. I know that there are good officers as well. Even here among us there are Hindus who are just——

(At this stage the member having reached the time-limit resumed his seat.)

Babu KSHETRA NATH SINGHA: Sir, I woudd like to begin my mournful tale now. Every member of this House knows how this communal ratio rule was framed a few years ago in the year of our Lord 1938.

Mr. ATUL CHANDRA SEN: Your Lord! Have you become a Christian?

Babu KSHETRA NATH SINGHA: And Sir, everybody more specially the members of this House are well aware how with all the good intentions of the Caste Hindu members of the then Cabinet the communal ratio fixed for the Scheduled Castes was raised from 10 per cent. to 15 per cent. with the help of the Muslim members of the Cabinet. It is an old tale Sir, and I am not going into this matter.

Now, Sir, I wish to say how these communal ratio rules are being worked during the last 6 years. First I begin with the Public Service Commission. The first thing that has been constituted under the Government of India Act to function as a statutory board is the Public Service Commission. In that Commission there are three members. One is a Caste Hindu member, another a Muslim member and the third a European member. Nobody can deny and my Congress friends and Hindu Mahasabha friends and others in the Opposition admit that the inherent rights and legitimate claims of the Scheduled Castes should be looked after. But how can that claim of the Scheduled Castes be looked after when the machinery is not in proper order. The machinery is not functioning for the good of the Scheduled Castes. The Muslim Member in the Public Service Commission is engrossed in looking after the interests of his own community. The European member cares neither for the Caste Hindus, nor for the Muslims nor in the least for members belonging to the Scheduled Castes. So far as the Caste Hindu member is concerned, he is also looking after the interests of his own community and he always tries to pick out some sort of holes in the pockets of the Scheduled Castes and for that purpose the words "suitable candidates" are inserted in the qualification clause. The words "suitable candidates" apply neither in the case of Muslims nor in the case of Caste Hindus but in the case of needy and helpless Scheduled Caste people. Sir, we are backward in education, economically we are in a backward condition and we are also backward in every other aspect. Sir, I am grateful that it was due to the kindness of my Caste Hindu friends of the then Cabinet that 15 per cent. quota was fixed for Scheduled Castes. But I must tell the Government that during the last 6 years we have seen that communal parity so far as Scheduled Castes are concerned was not maintained, because there is nobody to protect the interests of the Scheduled Castes. Sir, there must be somebody to protect our interests. This Public Service Commission is a creation under the Government of India Act, but the communal ratio rules are the creation of the Provincial Government in compliance with the Government of India Act. The Government of India Act has given the Scheduled Castes statutory power and statutory authority on communal questions, and if their interest is not looked into by the Public Service Commission, the highest authority has got to look after their interest, and I do not know what the Government is going to do after the last 6 years' experience,—whether they are at all willing to ask His Excellency the Governor to change the rule and bring in a fourth member in the Public Service Commission from the Scheduled Caste community. I ask my Caste Hindu friends if they have realised that the Hindus must be united to be magnanimous to their weaker brethren and if His Excellency is not willing to increase the personnel of the Public Service Commission they should agree to the appointment by rotation of a Scheduled Caste member in place of the Caste Hindu member.

Now, Sir, I shall cite an instance as to how the Public Service Commission is working for the good of the Scheduled Castes. Everybody is well aware that whenever a question of the Scheduled Castes comes in injustice is very apparent from the decision that is taken. This year, Sir, eight names were recommended by the Public Service Commission for the Bengal Civil Service (Judicial) but out of these eight men two Caste Hindu candidates were selected and sent to Government for approval. How is it that no Scheduled Caste candidate was recommended. If there had been a Scheduled Caste member on the commission this injustice would not have been done. I earnestly appeal to Government to see to the matter and try to have a Scheduled Caste member in the Public Service Commission, otherwise our interests will not be safeguarded. I want to remind the Government in this connection that *viva voce* examination has been introduced in the Public Service Commission Examination which did not exist before. It has been introduced with the sole intention of weeding out the unsuitable candidates specially those belonging to the Scheduled Castes because everybody knows that Scheduled Caste people who are backward and live in villages cannot answer questions put to them by Europeans or by my Caste Hindu friends. This *viva voce* subject has been introduced with the sole intention of debarring the Scheduled Castes from entering into the services. This thing must be remedied, and it is our earnest appeal that Government should do something for our community in this respect. My further request to Government is that at least even at this late stage one Scheduled Caste member should sit as an examiner of the *viva voce* subject, not to speak of other subjects.

In the Civil Supplies Department a large number of employees were recently taken in but the question of Scheduled Caste appointments was not properly considered and in spite of our repeated requests nothing was done. A committee was appointed to select the staff for the Civil Supplies Department but on that committee no Scheduled Caste member was taken. A very magnanimous gentleman was taken in on the committee to work on behalf of the Scheduled Castes, and he was Mr. Atul Chandra Kumar. What this Caste Hindu friend of ours did was that whenever he saw the case of a Scheduled Caste candidate he at once rejected the case saying that he is not at all suitable, as if the suitability of a candidate is the monopoly of the Caste Hindus. This is a great injustice, and we are groaning under this injustice. I ask Government to see that this injustice is redressed.

Now, Sir, so far as the Finance and Revenue Departments are concerned the claims of Scheduled Caste candidates are often ignored. It has often happened in the Revenue Department that the employees try to better their prospects by seeking employment elsewhere through their Depratment, and although the Muslim and Caste Hindu employees got permission to apply for services elsewhere the Scheduled Caste candidates were not allowed to do so. Sir, this invidious distinction must be redressed. So far as the Finance Department is concerned there are very few Scheduled Caste employees in that Department, as would be evident from a number of questions put in this Assembly. I ask the Government that in spite of the drawbacks and weakness of the Scheduled Castes their case should not be ignored, and they will stand by their side whoever is willing to help them, and to do justice to their cause. I appeal to Government that they should work for the good of the country and for the good of all including the backward people. It is not a question of who are on the Government side and who are on the Opposition side and a crore of people should not be punished for the acts of 30 or less than 30 members in this House.

Mr. SPEAKER: I understand that the House is agreeable not to sit any longer today. I therefore adjourn the House till 4 p.m on Monday next.

Adjournment.

The House was accordingly adjourned at 6-10 p.m. till 4 p.m. on Monday, the 19th June, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 19th June, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 10 Hon'ble Ministers and 174 members.

Obituary.

Mr. SPEAKER: Ladies and gentlemen, it is my sad duty to bring before you a most painful event in the history of Bengal. Acharya Sir Prafulla Chandra Ray passed away on Friday, the 16th instant, in the University College of Science. A scientist of international repute, his contribution to the science of chemistry will make him immortal. If he was great as a man of science, he was perhaps greater still as the maker of a school of Indian Chemists and Industrialists who carried into effect the ideal of national service through industrial and scientific achievements. As a philanthropist his heart spontaneously went out to the oppressed and the distressed and his services for relief of human suffering will be remembered by generations. As an ardent lover of his country, he wanted to see India raised to her fullest stature in all spheres of activity working shoulder to shoulder with the rest of the world in contributing to the peace, prosperity and happiness of mankind. His dictum "Research can wait but Swaraj cannot" will remain inscribed in the heart of every Indian so long as India does not attain independence. He was a true Swadeshi in thought and action. He lived a life of truth and simplicity and was the very embodiment of simple living and high thinking. He is the last of the race of giants that Bengal produced during the latter half of the last century. His was a great life nobly lived in the service of science and humanity. Bengal and as a matter of that the whole of India mourn his loss and I feel it is the desire of the House to send a message of condolence to the bereaved family. I hope members will signify their assent by rising in their places.

(Members rose in their seats.)

Thank you, ladies and gentlemen. Secretary will take necessary action.

As a mark of respect to the great departed, ladies and gentlemen, I, with your concurrence, adjourn the House till 4 p.m. tomorrow.

Adjournment.

The House was accordingly adjourned at 4-5 p.m. till 4 p.m. on Tuesday, the 20th June, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 20th June, 1944, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 13 Hon'ble Ministers and 194 Members.

STARRED QUESTIONS

(to which oral answers were given)

A certain wakf estate in Nadia and police interference in the exercise of religious rights by Muslims.

***426. Maulvi ABDUL JABBAR:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact—

(*i*) that C.S. plot No. 7253, Khatian No. 406, of Mauza Krishnagar in the district of Nadia, is a public Wakf estate and enrolled as such by the Commissioner of Wakfs, Bengal;

(*ii*) that in the declaration of the Commissioner of Wakfs, Bengal, the said property was under the possession of Muslims; and

(*iii*) that the then District Officers and the Police Officers removed the Muslim public from the legal and peaceful possession of the said property on the 10th December, 1941, last?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

(*c*) Will the Hon'ble Minister be pleased to state whether it is a fact—

(*i*) that the building on the said property is being used from time immemorial by the Muslim public of Krishnagar and surrounding villages as their *Karbala* or Emambara;

(*ii*) that *Chawk Karbala* building is the graveyard of a famous Muslim saint, *Alaldastur Pir;*

(*iii*) that from time immemorial the Police Officers used to issue *Muharrum* procession licence to *Chawk Karbala* and back; and

(*iv*) that in January, 1943, they issued the same to *Pirtola* and back?

(*d*) If the answer to (*c*) (*iv*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons therefor?

(*e*) Is it a fact—

(*i*) that the Maharani of Nadia is claiming the said property as her personal property; and

(*ii*) that the Police officers on the above ground are opposing the exercise of religious rights on the said property by the Muslims?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps he is taking or proposes to take in the matter?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*)(*i*) The property was enrolled as Wakf property in 1941 under the provisions of the Bengal Wakf Act, 1934.

(*ii*) The enrolment order does not contain any specific declaration about possession by Muslims but it does so by implication.

(*iii*) Some local Muslims who forcibly entered the *Chawk* on the night of 10th December, 1941, were persuaded by the local officers to disperse.

(*b*) On account of apprehension of breach of the peace.

(*c*)(*i*) Yes, up to 1935.

(*ii*) Yes, but at present there is no sign of it.

(*iii*) Yes, till 1935.

(*iv*) Yes.

(*d*) In the interest of public peace.

(*e*)(*i*) Yes.

(*ii*) Yes, for the maintenance of peace and order.

(*f*) Unless decided otherwise by a competent court, Government will endeavour to maintain the status recognised in the enrolment order of the Commissioner of Wakfs.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what are the boundaries of the plot referred to in c.s. plot No. 7253?

The Hon'ble Mr. TAMIZUDDIN KHAN: It is a quadrangular building in front of the compound of the Nadia Rajbari.

Dr. NALINAKSHA SANYAL: Is it a fact that all around the building the property belongs to the Nadia Raj family?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have no information on that point. I saw the place a long time ago. I think, except on one side the properties belong to the Maharani.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state who is the donor of this Wakf estate?

The Hon'ble Mr. TAMIZUDDIN KHAN: It is a very ancient institution. The donor, I think, is unknown.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that this was one of the buildings belonging to the Estate of the Maharaja of Nadia permitted to be used by a section of his Muslim tenants for purposes of charity and for religious purposes?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not think so because the place contains the shrine of a Muslim saint.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the family of the Maharaja of Nadia permitted, out of deference and respect to the religious feelings of their tenants and neighbours, a Muslim saint to stay in a portion of the building which belongs to themselves?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have no information about it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have made any enquiry into the origin and nature of the Wakf estate?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not think Government has made any particular enquiry.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state who are the persons, if any, entrusted with the management of the so-called Wakf estate?

The Hon'ble Mr. TAMIZUDDIN KHAN: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if there is any legal authority for any person other than the Raj Estate of Nadia to control or manage the alleged Wakf estate?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have no information about that.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister please tell us if there was any document creating the Wakf estate?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know whether there was any document.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state who was the first mutwalli appointed?

The Hon'ble Mr. TAMIZUDDIN KHAN: It was a very ancient Wakf. I do not know who was the first mutwalli appointed. Probably there is no record about it.

Mr. DHIRENDRA NATH DATTA: Who is the present mutwalli?

The Hon'ble Mr. TAMIZUDDIN KHAN: The present mutwalli is, I think, Muhammad Nader Hosain Balakar.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether he looks after this property or some other property?

The Hon'ble Mr. TAMIZUDDIN KHAN: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government considers the desirability of making an enquiry into the origin of the Wakf and the legal position of this alleged Wakf estate?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not think that it is necessary for the Government to make any enquiry regarding this. The property has been duly enrolled as Wakf property by the Commissioner of Wakfs. If that grieves any party, it is for that party to go to the competent civil court to have a proper decision about the matter.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state on whose petition or initiative the Commissioner of Wakf Estates enrolled this property as Wakf property?

The Hon'ble Mr. TAMIZUDDIN KHAN: One Gopal Ostagar of Krishnagar.

Dr. NALINAKSHA SANYAL: When was this Wakf property enrolled as such by the Commissioner of Wakf Estates?

The Hon'ble Mr. TAMIZUDDIN KHAN: In 1941.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state whether at the time of enrolling this as Wakf property, due notice was served and whether any objection was raised from the Maharaja's Estate regarding this Wakf?

The Hon'ble Mr. TAMIZUDDIN KHAN: As far as I know, no objection was raised.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state when the Maharaja Estate first made objection about this Wakf property?

The Hon'ble Mr. TAMIZUDDIN KHAN: The first objection was made in 1935.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the decision of the Government about that objection made by the estate?

The Hon'ble Mr. TAMIZUDDIN KHAN: That objection was no formal objection. The local Mussalmans had the right to use the place. On the

occasion of the Muharrum in 1935 for the first time the Maharani objected to the place being used by the local Muslims.

Mr. MIRZA ABDUL HAFIZ: With reference to answer (*c*)(*ii*), will the Hon'ble Minister be pleased to state how long-standing is this graveyard of the Muslim saint, Alaldastur Pir?

The Hon'ble Mr. TAMIZUDDIN KHAN: It is a very ancient grave. I do not know exactly how old it is.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how is it that objections could be raised in 1935 to the claim of this property being made a Wakf estate which claim as just now stated was made in the year 1941?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir; the property was enrolled in 1941 as Wakf property. I have never said that in 1941 for the first time it was claimed as wakf estate.

Dr. NALINAKSHA SANYAL: When this Gopal Ostagar mentioned by the Hon'ble Minister first moved for enrolment of this estate as wakf estate?

The Hon'ble Mr. TAMIZUDDIN KHAN: 1941.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if that was the first claim for enrolment of the estate as a Wakf estate in 1941?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am not sure, but I think that is so.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state who paid the rates for that estate before 1941?

The Hon'ble Mr. TAMIZUDDIN KHAN: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what interest this Gopal Ostagar had in the property to enable him to claim that as a wakf estate?

The Hon'ble Mr. TAMIZUDDIN KHAN: The Muslims had some sort of a right in the property and as a representative of the Muslim community he made the claim.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that in 1941 with the connivance of the then Government this estate was surreptitiously declared a wakf estate by the Commissioner of Wakfs?

The Hon'ble Mr. TAMIZUDDIN KHAN: That is not true. Due notice was issued and after that the property was openly declared as a wakf estate.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state on whom the notice was issued?

The Hon'ble Mr. TAMIZUDDIN KHAN: The notice was given to the general public under the Wakf Act.

Dr. NALINAKSHA SANYAL: Where was this notice published and how was it published?

The Hon'ble Mr. TAMIZUDDIN KHAN: It was published in the locality, but for details I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the particular plot in question is enclosed on three sides by the Maharaja's premises and in close proximity to his own residential building?

The Hon'ble Mr. TAMIZUDDIN KHAN: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he has seen that the residence of the Maharaja of Nadia is in close proximity and almost in the immediate vicinity of that place? The Hon'ble Minister has said that he has seen the place concerned.

The Hon'ble Mr. TAMIZUDDIN KHAN: I did not enquire into the title of the property that stood on all sides.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is considering the desirability, in view of the tension caused through forcible attempt to possess the property some time ago which led to the disturbance of the peace referred to in answer (*b*), of making proper investigation into the title of the estate and setting at rest finally the causes of difference between the local Hindus led by the Maharani and the local Mussalmans?

The Hon'ble Mr. TAMIZUDDIN KHAN: No investigation by Government can set at rest the differences. It is only the judgment of a competent civil court which can do so.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state whether in 1941 when the Muslims first claimed this wakf estate, due notice was hung up even on this building and there was no objection from the Maharaja's estate?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have already said that the Muslims did not claim the property as a wakf estate for the first time in 1941. I have also said that notice was given

Dr. ABDUL MOTALEB MALIK: Was there any objection from the Maharaja of Nadia's estate in 1941 when this was declared a Wakf estate?

The Hon'ble Mr. TAMIZUDDIN KHAN: As far as I know there was no objection.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state in whose possession this building was since 1941 when it was declared a Wakf estate?

The Hon'ble Mr. TAMIZUDDIN KHAN: Since 1941 the question arose only when the Muslims went to take possession of the premises. At that time there was opposition and they were not allowed to take possession.

Dr. ABDUL MOTALEB MALIK: Will the Hon'ble Minister be pleased to state whether the Wakf Commissioner made any arrangement to take possession of this place after it was declared to be a Wakf property?

The Hon'ble Mr. TAMIZUDDIN KHAN: When it was enrolled as a Wakf property, as I have already stated in my reply, by implication the property was regarded to be in possession of the Muslim community.

Dr. ABDUL MOTALEB MALIK: In view of the Wakf Act has the Commissioner of Wakf appointed any official mutwalli for this property?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have already said that a mutwalli was appointed.

Dr. ABDUL MOTALEB MALIK: Has that mutwalli taken possession of that property and if so, when?

The Hon'ble Mr. TAMIZUDDIN KHAN: As I have already said, the Muslims after the enrolment of the property as a Wakf property on 10th December, 1941, entered the place in the early hours and engaged themselves in holding a *milad sherif*. At that time the local officers got information of that and immediately went to the building and dislodged the Muslims

Dr. ABDUL MOTALEB MALIK: In view of the fact that the Wakf Commissioner declared this to be a Wakf property and in view also of the fact that the Hon'ble Minister replied that the Muslims had a right to claim this to be a Wakf property, will the Hon'ble Minister be pleased to state if, when the Muslims went to take possession of the property, the parties which prevented them were wrong?

Mr. SPEAKER: That question does not arise. That is a matter of opinion.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether it is a fact that the property concerned is being used from time immemorial by the Muslims?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes; it was being used as such till 1935.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state whether this Wakf proprty of the saint Alaldastur Pir was the oldest building or the Maharaja's palace was the oldest building?

The Hon'ble Mr. TAMIZUDDIN KHAN: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if this property in question is one of the standing evidences of the generosity of the Hindu landholders who allotted a portion of their residential buildings in the past to the Muslim neighbours and tenants to offer their religious prayers and perform ceremonies?

Mr. SPEAKER: That is a matter of opinion.

Dr. NALINAKSHA SANYAL: Is this building a part of Maharaja of Nadia's residential building and its premises?

The Hon'ble Mr. TAMIZUDDIN KHAN: As I have already said I do not know about the title of the surrounding places but as far as I know the place in question is a building on the graveyard of the saint Alaldastur Pir.

Introduction of the Bengal Primary Education Act, 1930, in Burdwan district.

***427. Mr. ADWAITA KUMAR MAJI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Bengal Primary Education Act, 1930, is in force in the Burdwan district?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) No.

(*b*) In view of the high incidence of revenue in the districts of the Burdwan Division, the Commissioners' Conference in October, 1939, recommended that the education cess should not be levied there. The previous Ministry accordingly decided to take up the case of that Division only after the Act was brought into force in the rest of the Province.

I have, however, revived the question and the department are now in correspondence with the local officers about it.

Security prisoners.

***428. Mr. KAMAL KRISHNA ROY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the total number of security prisoners still in jails;

(*ii*) the names of these jails;

(*iii*) the number of security prisoners in each of the jails;

(*iv*) the number of security prisoners to whom monthly allowances are given;

(*v*) the maximum and minimum amounts given; and

(*vi*) on what basis the claims of deserving security prisoners for monthly allowance are selected and by whom?

(*b*) Is the Hon'ble Minister considering the desirability of granting monthly allowances to all security prisoners to meet their personal requirements inside the jail?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, have been taken in the matter?

(*d*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*) (A) Political security prisoners 1,281 on the 6th June, 1944.

(B) Criminal security prisoners 2,516 on the 28th April, 1944.

(*ii*) and (*iii*) I am not prepared to give the names and particulars asked for in the public interest.

(*iv*) The information asked for is not readily available.

(*v*) Rs. 150 and Rs 10 per mensem respectively.

(*vi*) Since the formation of the present Ministry the grant of family allowances has been liberalised and they are now more freely granted not only in the case of proved and absolute necessity but, to a reasonable extent, also in the cases in which the detention of the prisoner has resulted in a loss of legitimate income to his family and dependants. All cases in which allowance had been previously granted have been reviewed in the light of the more liberalised policy and the abnormal increase in the cost of living. Subject to the limitation that the allowance should not exceed the prisoner's ascertained pre-arrest income the allowances in appropriate cases have been increased. Suitable allowance has also been sanctioned in a number of cases in which they had previously been refused. Every case, new or old, in which it is proposed to reject the application for grant or enhancement of the family allowance is submitted to me for orders. The total number of cases reviewed exceeds 1,350.

(*b*) No.

(*c*) Does not arise.

Mr. ATUL KRISHNA GHOSE: On a point of order, Sir.

Mr. SPEAKER: He has not finished yet. (Turning to Khan Bahadur Mohammed Ali) Will you kindly finish (*d*)?

Khan Bahadur MOHAMMED ALI: (*d*) As security prisoners are supplied in kind it has been decided not to sanction any personal allowance for the purpose.

Mr. ATUL KRISHNA GHOSE: On a point of order, Sir. The honourable and learned Parliamentary Secretary in his reply says that the political security prisoners in jail on the 6th June, 1944, were 1,281, whereas the same honourable gentleman has said up to 1,350 cases have been reviewed. If the total number in jail is 1,281, how can he review cases more than that number?

Mr. SPEAKER: That is not a point of order at all. That is a question of argument. Will you kindly take your seat?

Mr. SURENDRA NATH BISWAS: With reference to answer (*a*)(*vi*), will the Hon'ble Minister be pleased to state when was the limitation that

the allowance should not exceed the prisoner's ascertained pre-arrest income fixed, whether it was fixed during the regime of the present Ministry or before the present Ministry came into power?

Khan Bahadur MOHAMMED ALI: This was done after the present Ministry assumed office, because the policy accepted was so liberal that there was a danger of the allowance being doubled in which case it might exceed the pre-arrest income.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state how, in view of the abnormal rise in the prices of the necessaries of living, he can reconcile his assertion that the allowances are being given in a most liberal way?

Khan Bahadur MOHAMMED ALI: Because the allowance sanctioned by the previous Ministry in the year 1942 was doubled in the year 1943.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether, in view of the fact that a prisoner whose income before the war was Rs. 100 could earn more than Rs. 200 during war time, when the prices of foodstuffs and other articles have risen considerably, in the normal way or by getting dearness allowance and other allowances, Government still consider that the allowance should in no way exceed the pre-arrest income of the prisoner?

Mr. SPEAKER: That is an argumentative question. I cannot allow that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that completely contradictory to the assertions made in the House from time to time and the statement contained in answer (*a*)(*vi*), there are numerous cases of security prisoners arrested during the regime of the present Government and having decent income before their arrest who have been still denied family allowances?

Khan Bahadur MOHAMMED ALI: Instances like that will not be many.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that Sachindra Mohan Nandy, Headmaster of Saraswati Mandir H. E. School, Nabadwip, earning on an average Rs. 110 per month, now a security prisoner detained in Dum Dum Central Jail, in spite of repeated petitions to the Government—petitions which were acknowledged by the Government, the last acknowledgment being by Government letter No. 18 of the Home Department, dated 1st March, 1944—still has received no allowance?

Khan Bahadur MOHAMMED ALI: The question here which is being answered is a general one. If the honourable member brings in specific instances of security prisoners, then he will have to give me notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the drafted answer of a general character is based on inadequate or untrue data?

Khan Bahadur MOHAMMED ALI: Certainly not.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is in a position to contradict the statement which I have produced before the House on the basis of a letter duly censored and passed by the jail authorities as untrue? Which of the statements is untrue? Whether the statement of the security prisoner or that of the Government?

Mr. SPEAKER: That is not a proper form of question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government is aware that the statements prepared for them by the Department are based on untrue or inadequate information?

Khan Bahadur MOHAMMED ALI: That is not correct.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is in a position to contradict the definite statement that security prisoner Sachindra Mohan Nandy who was Headmaster of a school earning about Rs. 110 a month, arrested during the regime of the present Government, in spite of repeated petitions, petitions acknowledged by Government and enquiry made in his home, with more than six persons in his family to maintain, still remains without allowance?

Khan Bahadur MOHAMMED ALI: As I have said, if specific instances are mentioned, then I require notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is in a position to contradict that so far as he or the Minister in charge of the Department is concerned, they have neither the time nor the inclination to go through the files, and all the information obtained is from the Police?

Khan Bahadur MOHAMMED ALI: That is not correct.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any machinery has been set up by them to find out if the petitions of the security prisoners for family allowances are put up to them in due course and disposed of by them or with their authority from time to time?

Khan Bahadur MOHAMMED ALI: Yes, Sir The Hon'ble Home Minister pays particular attention to this matter

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why is it then that the application of security prisoner Sachindra Mohan Nandy has taken nearly one year to be disposed of?

Khan Bahadur MOHAMMED ALI: I cannot answer that question without sufficient materials before me.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what is the bar to giving sufficient allowance to a security prisoner with which his family members may be maintained?

Khan Bahadur MOHAMMED ALI: Sufficient allowance is given to security prisoners so that the family which is deprived of an income can maintain itself

Mr. SURENDRA NATH BISWAS: In view of the answer just given will the Hon'ble Minister be pleased to state why a limitation was fixed that the allowance will not exceed the income of the security prisoner at the time of his detention?

Khan Bahadur MOHAMMED ALI: Limitation was fixed on the principle that a security prisoner, when detained, should not derive any benefit which he did not derive when he was free and not in prison.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether repeated applications were received by the Hon'ble Minister from Babu Pran Kumar Sen, Headmaster of the Kashipur H. E. School, who has been interned at home and is not being allowed any allowance in spite of repeated prayers?

Khan Bahadur MOHAMMED ALI: Sir, I cannot answer this question. I would draw your attention to the fact that a general question was put and a general reply was given. If a specific information in regard to a particular security prisoner is wanted, I should like to have notice.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state if he is aware that a notice with regard to this security prisoner has been sent to the Home Department of the Government on the 8th February, 1944, but as yet no reply is forthcoming?

Khan Bahadur MOHAMMED ALI: I will ask for notice. If the honourable member so desires, the matter may be looked into as to whether it is a fact or not, and the honourable member may be informed afterwards.

Mr. NISHITHA NATH KUNDU: With reference to question (*b*) will the Hon'ble Minister be pleased to state if all the personal necessaries of the security prisoners are supplied?

Khan Bahadur MOHAMMED ALI: Yes, Sir. All the necessaries are supplied.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether tobacco and cigarettes are also supplied to the security prisoners?

Khan Bahadur MOHAMMED ALI: I want notice.

Dr. NALINAKSHA SANYAL: With reference to answer (*d*) will the Hon'ble Minister be pleased to state if books for purposes of appearing at examinations—I mean, text books—are considered by Government to be in the category of necessaries?

Khan Bahadur MOHAMMED ALI: The question relating to the purchase of books or study allowance is under the consideration of Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how long has this matter of permitting allowances for the purchase of text books and for paying fees for University examinations been under the consideration of Government?

Khan Bahadur MOHAMMED ALI: I cannot state the exact period. I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is in a position to let us know by what time the decisions on these two matters are likely to be published or made known to the security prisoners?

Khan Bahadur MOHAMMED ALI: I cannot exactly say when the decision is likely to be arrived at, but I may say this much that very shortly decision may be arrived at by the Government.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state if it is a fact that an M. L. A. personally approached the Minister as well as the Secretary many times with regard to the gentleman named Babu Pran Kumar Sen and requested them very pathetically on his behalf about the family allowance, drawing their attention to the abject and miserable condition of his family? And if so, what action has Government taken?

Khan Bahadur MOHAMMED ALI: A representation was made to me regarding the family allowance of the security prisoner and enquiries have been set on foot about the financial position of the family and to find out if there is any case that can be made out for the grant of allowance.

Sj. NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that in connection with the representation made by the said M. L. A. a letter from the Superintendent of Police was also submitted which recommended that immediately allowance should be provided for this sucurity prisoner Mr. Pran Kumar Sen?

Khan Bahadur MOHAMMED ALI: I want notice.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether, in view of the continued prevailing economic distress in the country, Government will be more liberal at present in granting family allowances?

Khan Bahadur MOHAMMED ALI: Government consider that their policy is as liberal as it can be.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to refresh his memory on this very point whether the notice of the Hon'ble Minister and the Parliamentary Secretary was drawn by the said M. L. A.?

Khan Bahadur MOHAMMED ALI: Yes, Sir, attention was drawn to the case of the security prisoner mentioned by the honourable member.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state if Government will expedite the sanctioning of allowance to this family so that the family does not starve?

Khan Bahadur MOHAMMED ALI: Government will expedite the examination of the case.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government are still acting upon the police report in the matter of granting family allowance or they are acting upon the reports of administrative officers?

Khan Bahadur MOHAMMED ALI: Government have to make necessary enquiries regarding the financial position of the family before they can decide whether the family of the prisoner deserves any allowance or not.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether in this matter of granting family allowance Government are making enquiries through the police only or through the administrative officers as well, as suggested by the honourable member many a time?

Khan Bahadur MOHAMMED ALI: Enquiries are made both by administrative officers and police officers.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether all cases that deserve increment due to the announced policy of the Government have been given increment?

Khan Bahadur MOHAMMED ALI: I cannot give a categorical reply, but I can say that the liberal policy of the Government has been given effect to in almost all cases.

Supply of newspapers to security prisoners.

***429. Mr. NIHARENDU DUTTA MAZUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the proceedings of the different Indian Legislatures reported in the different newspapers are matters, which, the security prisoners and other prisoners entitled to have newspapers, are prohibited from reading?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state whether it is a fact that the columns in the *Hindusthan Standard*, the *Ananda Bazar Patrika* and the *Amrita Bazar Patrika* of the 29th September, 1942 (Calcutta Edition), supplied to the security and Defence of India Rules prisoners at the Presidency Jail censored and covered with printing ink, contained reports of the proceedings of any of the Legislatures in India?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, he proposes to take in the matter?

(*d*) Do the Government contemplate to supply at least one newspaper of the 29th September, 1942, without censoring the reports of the Legislature to the security prisoners of the Presidency Jail?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) No.

(*b*) On enquiry I could not gather any correct information on the point since old papers have all been destroyed.

(*c*) and (*d*) I do not consider it necessary to proceed with the case any further.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any enquiry was made of the prisoners and of the member of this Legislature who has given notice of this question?

Khan Bahadur MOHAMMED ALI: The answer is in the negative.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state from whom the enquiry was made?

Khan Bahadur MOHAMMED ALI: From the Inspector-General of Prisons and from the Superintendent of the Presidency Jail.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government are aware that the allegations contained in the question were of a nature which were directed against the officers concerned who were under the disposal of the Inspector-General of Prisons or that the Superintendent of the Presidency Jail himself was responsible?

Khan Bahadur MOHAMMED ALI: No, Sir. Government are satisfied that the report of the Superintendent of the Presidency Jail submitted through the Inspector-General of Prisons is correct.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to stated if it is a fact that the questioner wanted to ascertain whether the columns of the newspapers supplied to them, namely, the *Hindusthan Standard*, the *Ananda Bazar Patrika* and the *Amrita Bazar Patrika* of 29th September, 1942, were in respect of particular columns mentioned in the question actually covered with printing ink?

Khan Bahadur MOHAMMED ALI: The Superintendent of the Presidency Jail says that he could not trace the papers. He remembers that on one or two occasions certain portions had to be omitted from newspapers because at that time there were over 1000 security prisoners and any reference to riots in jails had to be deleted.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that criminal security prisoners are segregated from political security prisoners in the jails and that there is hardly any likelihood of information in the possession of security prisoners passing out to criminal security prisoners without the connivance of jail authorities?

Khan Bahadur MOHAMMED ALI: The jail authorities think that it would be in the interests of maintaining peace and order in the jails that it was desirable to delete such portions.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the portions referred to related to any matter concerning the disturbances within the jail either within Bengal or outside?

Khan Bahadur MOHAMMED ALI: Yes, Sir, that is what I said. Reports of disturbances both inside Bengal and outside were deleted and references and reports regarding disturbances in jails were deleted.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the reports of the different Indian Legislatures as well as of the

Central Legislature of the date mentioned, i.e., 29th September, 1942, related to matters concerning disturbances in jails?

Khan Bahadur MOHAMMED ALI: I could not say. If that is so, then the Superintendent admits that reports and references of disturbances in jails were deleted.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state under what rule or what authority the newspapers supplied to security prisoners are mutilated and garbled information supplied to the prisoners through the method of censorship?

Khan Bahadur MOHAMMED ALI: As a general rule they are not mutilated or distorted in any way, but only in one particular instance this was done in order to maintain peace in the jail because in that jail there were over one thousand criminal security prisoners and the reports of incidents in other jails might incite those prisoners to resort to violence.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government considers it necessary to stick to the refusal even now, as is implied in answer (*b*)?

Khan Bahadur MOHAMMED ALI: No, Sir, that is not the implication. The implication is that because the newspapers cannot be traced it is not considered necessary to have any enquiry regarding the particular incidents reported.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government has any opportunity to find out what were the contents in the report of newspapers of the date mentioned?

Khan Bahadur MOHAMMED ALI: Government did not at that time direct that reference to the newspapers of that particular date may be made from any source other than the jails.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister prepared to hold an enquiry if I undertake to supply the paper of 29th September, 1942, as it was censored by the jail authorities?

Khan Bahadur MOHAMMED ALI: Yes, Sir, but in reply to a question of Dr. Sanyal I have said that references regarding reports of incidents of disturbances in other jails were covered over by printing ink so that they may not be read by criminal security prisoners.

Mr. NISHITHA NATH KUNDU: In view of the answer just given a few moments ago that because the paper could not be traced there was no enquiry, I again ask the Hon'ble Minister if he is prepared to hold an enquiry to find out whether the contents of that news were regarding any trouble in the jail.

Khan Bahadur MOHAMMED ALI: Yes, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is considering the desirability of obtaining the correct information regarding the question in view particularly of the fact that the Inspector-General of Prisons and the Superintendent of Jail, through whom answer has been obtained, appear to have misled the Government?

Khan Bahadur MOHAMMED ALI: There is no question of misleading the Government. From the trend of the questions put by Dr. Sanyal it appears that the report of the Superintendent of the Presidency Jail is quite correct when he admits that reports of disturbances in other jails were deleted from the newspapers.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is considering the desirability of further making an

enquiry if Mr. Nishitha Nath Kundu, a member of this House who was at that time detained in the Presidency Jail, produces from his possession a copy of the censored newspaper which was actually supplied to him in the jail at the time?

Khan Bahadur MOHAMMED ALI: Yes, Sir, I have already said that.

Release of prisoners serving life sentence.

***430. Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that Srijut Jogendra Nath Hazra, Srijut Sital Chandra Bhattacharya and others who were in the original Daspara murder case and tried by Special Tribunal, were given life sentence from the 29th September, 1930;

(*ii*) that in the supplementary case Srijut Kanan Behary Goswami was sentenced with life sentence;

(*iii*) that a Board of nine members of the Bengal Legislative Assembly appointed by Government recommended in 1939 that political prisoners serving life sentence may be released under 14 years' rule, i.e., 20 years less 6 years for Queen's Mercy;

(*iv*) that Government's acceptance of the decision was announced by the then Home Minister in a communique; and

(*v*) that deducting jail remissions all the above prisoners have served out their term of 14 years by 1942?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the reason why the aforesaid prisoners have not yet been released; and

(*ii*) what is the present attitude of the Government regarding them?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*) No, from 25th September, 1930

(*ii*) Yes.

(*iii*) Not in regard to these prisoners, in respect of whom the Board specifically declined to make any recommendation for clemency

(*iv*) Not in regard to these prisoners, in respect of whom Government decided that no clemency could be shown.

(*v*) Not in respect of all.

(*b*) Jogendra Nath Hazra and Surendra Nath Bag have been released. For security reasons the other prisoners have not been released.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state which Board has been referred to in answer (*a*)(*iii*)? Is it the same Advisory Board which went into the cases of these political prisoners including the terrorist prisoners in the year 1941-42?

Khan Bahadur MOHAMMED ALI: The Board referred to is the Advisory Committee consisting of some members of the Legislature and two non-officials which was set up at the instance of the Legislature.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that a member of the Board Mr. Sarat Chandra Bose did actually press for the release of these prisoners in the same manner with the same recommendation for clemency as was granted to other prisoners of similar character?

Khan Bahadur MOHAMMED ALI: I cannot say what was the individual opinion or recommendation of the members, but the Board as a whole did not so recommend.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the Board did not go through the cases separately and they had, as a matter of fact, laid down general principles which applied to all these cases as well?

Khan Bahadur MOHAMMED ALI: No, Sir, my information is that the Board went through the case and did not consider it a fit case for recommending it for clemency.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if Sital Chandra Bhattacharyya is suffering from insanity and derangement of brain?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to tell us if his attention was drawn to my speech during the budget session drawing attention to the fact that this Sital Chandra Bhattacharya was suffering from insanity and derangement of brain?

Khan Bahadur MOHAMMED ALI: I cannot remember whether my attention was drawn or not.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state why Government decided that in regard to these prisoners no clemency could be shown—I refer to part (*iv*) of the answer?

Khan Bahadur MOHAMMED ALI: For security reasons.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state why this invidious distinction was made in case of some prisoners and not in case of others?

Khan Bahadur MOHAMMED ALI: It is not expedient in the public interest to disclose the facts.

Mr. NISHITHA NATH KUNDU: Are we to take that the Government or, for the matter of that, the Hon'ble Minister does not take any notice of the speeches that we make during the budget session specially regarding matters of such tremendous importance?

Khan Bahadur MOHAMMED ALI: Yes, Sir, but I might draw the attention of the honourable member to the fact that it is not possible for me to keep within my mind a record of all the speeches and of all the points mentioned by honourable members during budget discussion.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state, if for security reasons no clemency could be shown, why were all these prisoners released and then dealt with under the Defence of India Act?

Khan Bahadur MOHAMMED ALI: Which prisoners are you referring to?

Rai HARENDRA NATH CHAUDHURI: Your answer to part (*iv*).

Khan Bahadur MOHAMMED ALI: Part (*iv*) says—Not in regard to these prisoners, in respect of whom Government decided that no clemency could be shown.

Rai HARENDRA NATH CHAUDHURI: I therefore enquire why Government decided that no clemency should be shown with regard to these prisoners and your answer was "for security reasons". My question is why

these prisoners could not be released in pursuance to the recommendation because of the fact that 14 years had elapsed and why they could not be dealt with under the Defence of India Act.

Khan Bahadur MOHAMMED ALI: Because the release under the 14-year rule is not invariable. Government takes into consideration the circumstances of each case, the character of the convict, the crime, the conduct in the prison and the probability of his reverting to criminal habits of instigating others to commit crimes. These things are taken into consideration before Government can take the question of clemency into consideration.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state what were the particular instances in the career of those prisoners which justified the Government in taking decision as regards no clemency being shown to them?

Khan Bahadur MOHAMMED ALI: I have already stated that it is not in the public interest, or it is not expedient to disclose the reasons.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what steps, if any, Government have taken regarding the cases including the case of Sital Chandra Bhattacharji who is suffering from insanity and derangement of brain and about whom I made a reference in my speech during the budget discussion?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if Government had decided that no clemency should be shown to these people why were these cases referred to the Board at all?

Khan Bahadur MOHAMMED ALI: It is for the Board to advise Government whether the merits of the case deserved any clemency to be shown; and the Board recommended otherwise.

Refusal of admission of Sj. Anil Roy in the Calcutta Medical College.

***431. Miss MIRA DUTTA GUPTA:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) whether it is a fact that one Sj. Anil Roy, aged 17, was examined by Dr. S. Roy of Ear, Nose and Throat Department on the 26th February, 1944, and his disease was diagnosed as Nasapharyngeal Fibra Sercoma and admission was recommended for Deep X'ray Therapy on the same date, his ticket for out-door patients numbering being 1565/24;

(*b*) whether it is a fact that the said young man was not admitted on the ground of want of vacancy;

(*c*) whether Sj. Anil Roy visited the Medical College Hospital on the 28th February, 1944, 29th February, 1944, 1st March, 1944, 4th March, 1944, 10th April, 1944, and 22nd April, 1944, but was refused admission;

(*d*) whether patients were admitted for Deep X'Ray Therapy in the Calcutta Medical College Hospital between 26th February, 1944, and 22nd April, 1944;

(*e*) if so, what is their number;

(*f*) what were the diseases and ages of the patients;

(*g*) dates when they first visited the hospital and when they got admission;

(*h*) how many patients can get Deep X'Ray Therapy as inpatient at a time;

(i) whether Mr. Nishitha Nath Kundu, M.L.A., is a member of the Visiting Committee of the Medical College Hospitals and drew attention of the Superintendent of this irregularity in admission matters;

(j) whether Mr. Kundu asked the Superintendent to supply the informations contained in this question; and

(k) whether Mr. Kundu wanted to see the admission register to find out how admissions are being made?

Khan Sahib HAMIDUDDIN AHMAD (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (a), (c), (d) and (i) Yes.

(b) Yes, as there were more urgent cases waiting for admission.

(e) Three from the Ear, Nose and Throat Department.

(f) and (g) A statement is laid on the Table.

(h) Five to six cases a day.

(j) Yes, some of the information.

(k) No.

Statement referred to in reply to clauses (f) and (g) of starred question No. 431.

	Disease.	Age of patient.	Date of first visit.	Date of admission.
		Years.		
(1)	Intrensic Carcoma Larynx ..	38	3rd March, 1944	3rd March, 1944.
(2)	Nasapharyngeal Fibra Sarcoma.	9	26th October, 1943	21st April, 1944.
3)	Ditto ..	15	9th March, 1944	11th April, 1944.

Dr. NALINAKSHA SANYAL: With reference to answer (b) and the statement produced, will the Hon'ble Minister be pleased to state who decides upon the character of urgency of each case for admission?

Khan Sahib HAMIDUDDIN AHMAD: The doctor examining the patients in out-door.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether it is a fact that in the case of Mr. Anil Roy, a boy aged 17, the examining doctor was an eminent expert in ear, nose and throat Dr. S. Roy who recommended for his deep X'ray therapy on the same day and recommended immediate admission?

Khan Sahib HAMIDUDDIN AHMAD: No. The case was not marked as urgent.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether it is a fact that the disease referred to, namely, Nasapharyngeal Fibra Sercoma is a very dangerous disease which may lead to fatality very soon?

Khan Sahib HAMIDUDDIN AHMAD: Yes. It is a very dangerous disease, but the case was not marked as urgent and the examining doctor did not recommend the case to be urgent. Over and above that, the patient was admitted on 19th May, 1944 and discharged on 25th May 1944. This fact shows that his case was not very urgent.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why is it that this patient who first got recommended for admission on the 26th February, 1944 had to wait till the end of March, 1944 for obtaining a seat?

Khan Sahib HAMIDUDDIN AHMAD: I refer the honourable member to answer (*b*), because more urgent cases intervened and those cases were given preference.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state who actually makes allotment of seats in the in-door patient section of the hospital?

Khan Sahib HAMIDUDDIN AHMAD: Generally in urgent cases beds and also extra beds, if necessary, are arranged and the urgency of cases depends upon the recommendation of the doctor who examines the patients.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Dr. S. Roy had recommended the second case which was admitted on the 3rd March, 1944 on the same day of the first visit of the patient as a very urgent case to be admitted forthwith on the same day?

Khan Sahib HAMIDUDDIN AHMAD: I want notice whether Dr. S. Roy examined. The record is not here, but it is presumed that the patient was admitted on the same day because his case was urgent.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government are satisfied that influence other than the urgency of the case was not brought to bear to secure early admission?

Khan Sahib HAMIDUDDIN AHMAD: Of course there are cases where influence also plays some part, but if any definite case is made out Government will certainly take proper steps.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if an enquiry has been made in the instances referred to here, namely, 3rd March, 9th March and 11th April and in each of these cases such other influence admitted by the Hon'ble Minister was brought to bear?

Khan Sahib HAMIDUDDIN AHMAD: No. This case was thoroughly examined and it was found from all sources that this was not a very urgent case warranting immediate admission in the hospital in preference to other cases.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state who was the doctor on whose recommendation the Hon'ble Minister says that the cases were not so urgent? Will he be pleased to state when were the three respective cases first examined?

Khan Sahib HAMIDUDDIN AHMAD: In the first instance we got report from Dr. K. S. Roy on the ticket of the out-door patient Anil Roy. He was attending out-door patients. I have already stated that the case was not marked as urgent. Secondly, we got report from the Superintendent Colonel Murray and then we got report from the Deep X'ray Therapy expert whose report is "The patient is having deep X'ray therapy. I am sure the response to the treatment will be very poor. As a palliative he will have a few more exposures and nothing else can be done for him."

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the reply given to a previous question about the discharge of the patient has been without securing cure of the patient?

Khan Sahib HAMIDUDDIN AHMAD: I have already stated that there is a report of expert. It shows that the patient was not completely cured and there was nothing else to be done.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the discharge of the patient was managed under orders of Colonel Murray, the Superintendent, because the patient had communicated to

some members of the legislature about his grievance of not having proper attention given to him by the medical college?

Khan Sahib HAMIDUDDIN AHMAD: It is not a fact.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what enquiry has been made to ascertain that the patient who was discharged before he was completely cured was so discharged without any intervention on the part of Colonel Murray?

Khan Sahib HAMIDUDDIN AHMAD: No such complaint has been made to Government that he was discharged before he was completely cured.

Dr. NALINAKSHA SANYAL: With reference to answer (*j*), will the Hon'ble Minister be pleased to state if the information wanted by the visiting member Mr. Kundu referred to in answer (*j*) was supplied to him?

Khan Sahib HAMIDUDDIN AHMAD: Yes.

Dr. NALINAKSHA SAYAL: Is the Hon'ble Minister aware that on the 6th June, 1944 when the second quarterly meeting of the reconstituted visiting committee of the medical college group of hospitals was held, the Superintendent Colonel Murray stated in a defiant manner that it was not the duty of the visiting committee to query about the admission of patients?

Khan Sahib HAMIDUDDIN AHMAD: I am not aware of that.

Mr. SPEAKER: Question time over

Dr. NALINAKSHA SANYAL: This will go on, Sir?

Mr. SPEAKER: Yes.

GOVERNMENT BILL.

THE BENGAL SECONDARY EDUCATION BILL, 1944.

Ruling on the validity of closure motion.

Mr. SPEAKER: I have now got to give my decision with regard to the closure motion.

The point for decision is whether the closure declared carried by me in respect of the discussion relating to the motions for consideration of the Secondary Education Bill, and the amendments thereto should be reopened or not. The relevant facts may be stated as follows:—

The motion for consideration of the Secondary Education Bill as well as the amendments thereto were in the list of business for the 8th May, 1944. Discussion on an adjournment motion prevented their being taken up on that day. The next day was also taken by another adjournment motion. Discussion on the motion for consideration of the Secondary Education Bill commenced on the 10th May, 1944. Government originally allotted 2 days for the debate. The Opposition wanted more time. I could persuade Government to agree to 6 days but the Opposition wanted still more time. It was on the 8th day of the debate that the Government and the Opposition Whips came to an arrangement that the debate would be closed on the 10th day which fell on the 25th May, 1944. Slips with names of speakers together with the time to be allotted to each speaker prepared by the Whips were made over to the Speaker. The slip for the 10th and last day was as follows:—

Thursday, the 25th May.

Mr. Shamsuddin Ahmed—4-15 p.m. to 4-45 p.m.

The Hon'ble Mr. Tulsi Chandra Goswami—4-45 p.m. to 5-15 p.m.

Mr. David Hendry—5-15 p.m. to 5-30 p.m.

Mr. Santosh K. Basu—5-45 p.m. to 6 p.m.

Dr. S. P. Mookerjee—6 p.m. to 6-45 p.m.

The Chief Minister—6-45 p.m. to 7-15 p.m.

The Hon'ble Mr. Tamizuddin Khan—7-50 p.m. to 8-20 p.m.

Three speakers scheduled for the previous day could not speak on that day. Their names were brought forward for the 25th and the time allotted to Mr. Shamsuddin Ahmed was divided between him and a member of his party with the consent of the whips of different parties. It was also agreed that the order in which members should speak as set out in the slip might be changed by bringing in Mr. Santosh Kumar Basu just after Mr. T. C. Goswami and before Mr. David Hendry. Subject to the alterations necessitated by these circumstances the aforesaid arrangement stood and debate was proceeding according to this arrangement. When, however, Mr. Tulsi Chandra Goswami was called upon to speak there was a sudden outburst of sentiment against him and the Opposition did not like that he should speak. The Hon'ble Sir Nazimuddin, the Leader of the House, expressed his apprehension that unless Mr. Goswami were allowed to speak similar treatment might be meted out to the speakers on the side of the Opposition by members of his party.

Dr. NALINAKSHA SANYAL: He also added "and that would lead to chaos".

Mr. SPEAKER: Order, order. Will you please resume your seat?

I gave ample opportunities to both sides to come to some understanding but to no effect. Ultimately on a consideration of the circumstances I accepted a closure motion moved by Sir Nazimuddin, put it to the House and declared it carried. This decision appears to have been considered unsatisfactory by the Opposition and on their request I gave them permission to discuss that decision and it has now been sufficiently discussed.

I am grateful to the honourable members for their very instructive speeches dealing with the origin, purpose and applicability of the closure motion. They will undoubtedly be of great assistance to me in the discharge of my onerous duties.

Four main arguments have been put forward on behalf of the Opposition. They may be briefly stated thus:—

(1) The acceptance of the closure motion by the Speaker was *ultra vires*.

(2) The vote on the closure motion was taken when the House was in a grave disorder, and the verdict of the House as declared by the Speaker was a nullity.

(3) Assuming that the acceptance of the closure is proper and the verdict of the House is also valid and binding, the closure can apply only to one of the motions and not to all, and in view of the wording of the closure motion it cannot be said to which of the motions, if at all to any, it should be applied.

(4) In view of the form of the closure motion, namely that "the question be now put" and in view of the lapse of time without the motions being put to vote the closure has lost all its force.

Point (1).—To deal with this point it is necessary that some more facts should be stated. The matter was discussed for full 9 days and it was on the 10th day that it was closured. In all, 53 members had spoken for about 24 hours. As many as 36 members belonging to the Opposition including the Leader of the Opposition spoke for 17½ hours, the distribution being as follows:—

12 members from Mr. Santosh Kumar Basu's party—6 hours 30 minutes.

8 members from Mr. Kiran Sankar Roy's party—3 hours 42 minutes.

4 members from Dr. Mookerjee's party—2 hours 2 minutes.

3 members from Mr. Fazlul Huq's party (including Mr. A. K. Fazlul Huq)—2 hours 22 minutes.

5 members from Mr. Shamsuddin Ahmed's party—1 hour 43 minutes.

4 members from the Scheduled Caste party in Opposition—1 hour 12 minutes.

Distribution of speeches of other parties and groups is as follows:—

13 members from the Ministerialist Party—5 hours 15 minutes.

1 member from the European Party—43 minutes.

1 member from the Anglo-Indians—8 minutes

2 members from the Independent (Ulema) Group—34 minutes.

I understand the longest time taken by similar matter in this House was 4 days and that was on the occasion of the discussion of the Secondary Education Bill, 1940.

It is well-known that the closure was adopted with great reluctance by the House of Commons and only when it became apparent that obstruction had become unmanageable and indeed had threatened to destroy parliamentary government. It is extremely difficult, if not impossible, to lay down any hard and fast rule for deciding when a subject should be considered to have been adequately debated The Speaker has often to strike a delicate balance between various considerations in arriving at a decision in a particular case and each case must necessarily be decided on its own facts I think, generally speaking, the points to be considered may be classed in the following order:-

(i) The importance of the subject in relation to the time for which it has been debated

(ii) The state of the business in the House.

(iii) The character of debate, *i.e.*, whether the Opposition has been businesslike or obstructive and whether the majority has been unnecessarily vocal

Often special circumstances have to be taken into account; for example, the House often works under an agreement as to the time arrived at between the main parties. To prevent such a bargain being upset by a fit of bad temper or the caprice of individuals would generally be considered adequate reason for allowing the closure.

The matter has been debated for full nine days. The turn the debate took on the tenth day which ultimately had the effect of shutting out some leaders from contributing to the debate is undoubtedly regrettable. But I felt that the matter could not be postponed any longer, especially in view of the fact that according to the agreement the voting was to take place on that day. I accordingly accepted the closure motion which was actually put to the vote.. .. ..

Dr. NALINAKSHA SANYAL: Did the alleged agreement refer to voting?

Mr. SPEAKER: Yes; I will show you the slip.

The closure motion was put to vote at about 8-25 p.m. Whether I acted rightly or wrongly is not a matter for me to decide but for the House to judge. Conscious, perhaps, of this the Opposition appeared to have argued not that I acted improperly or irregularly in accepting the

closure motion but that I acted in excess of my powers given under the rules, and consequently my action was *ultra vires*. I regret I cannot accept the argument that there is any question of *ultra vires* involved in this matter. The relevant rule is rule 46 of the Bengal Legislative Assembly Procedure Rules which runs thus:—

"When any motion is under discussion, any member may move 'that the question be now put' and unless it appears to the Speaker that the request is an abuse of these rules or an infringement of the rights of reasonable debate or of the rights of the Opposition, the question that the question be now put' shall be put forthwith without debate thereon. If such motion be carried, the question shall be put accordingly, provided that the Speaker may, unless the time, if any, allotted to the original motion is thereby exceeded, permit the mover of such motion to exercise such right of reply as provided in these rules."

On a plain reading of the above rule it appears clear that no question of acting in excess of powers could possibly arise in the matter under consideration.

Point No. (2).—It has been contended that when the question "that the question be now put" was put to the House, the House was in a greatly disordered condition and had actually ceased to function and consequently the vote taken at that time did not represent the opinion of the House and was a nullity. It has further been stated in this connection that some members did not hear me utter the words "The Ayes have it" second time. In order to understand this certain facts have got to be remembered. When I began putting the question "that the question be now put" there was undoubtedly table-thumping by some members of the Opposition. This table-thumping gradually increased in volume and intensity. It is not possible at this distance of time to remember exactly whether I uttered the words "the Ayes have it" second time. But the formula "the Ayes have it", "the Ayes have it" is practically uttered mechanically in the absence of a division called. In this case admittedly no division was called, and consequently the second utterance "the Ayes have it", I think, automatically followed. I may mention that up to this stage not a single member had moved from or left his seat, and it was only when I wanted to put the motion on the agenda to the House that certain members left their seats and the House became gravely disorderly only at this stage and I at once adjourned it. The House, in my opinion, was not in a grave disorder until I had declared the result of the voting and had attempted to put the motions on the agenda. I regret, therefore, that I cannot accept the contention of the Opposition that the vote on the closure motion was a nullity. It was a valid verdict of the House which cannot be questioned until rescinded by the House in accordance with the rules.

Point No. (3).—It has been contended that there was a number of motions on the agenda and even if they be classified according to the purpose for which they were moved, they would come under four categories, namely,—

(*a*) the substantive motion for consideration of the Bill;

(*b*) the motion, by way of amendment, that the Bill be circulated for eliciting opinion thereon;

(*c*) the motion, by way of amendment, that the Bill be referred to a Select Committee; and

(*d*) the motion, by way of amendment, that the Bill be referred to a Committee of the whole House.

It is contended that as the closure motion was in the form "that the question be now put", it is not known which question was meant. In view of this vagueness it may be urged that the entire closure motion was

ineffective. It may further be urged that, at any rate, it may apply to one only of the amendments and not to all the amendments, far less to the substantive motion.

Strictly according to rules one class of amendments should have been disposed of before we could proceed to another class. For example, the amendments for reference to Select Committee should not have been taken up for consideration until after the disposal of the amendments for circulation. In deference to the wishes of both sides (and here I must say in fairness to Mr. Hasan Ali Chaudhury, Whip of the Krishak Praja Party, he pointed out the irregularity involved in the proposal), it was decided that all the amendments should be moved and then a general discussion should be allowed on the substantive motion as well as on all the amendments.....

Dr. NALINAKSHA SANYAL: Was that by agreement or by your ruling?

Mr. SPEAKER: It is this arrangement that has made the present argument possible. Moving of all the amendments had been finished on the seventh day and the general discussion on the substantive motion as well as on all the amendments thereto had been going on for the last three days The closure motion in these circumstances was intended to apply and actually applied to the entire debate covering the substantive motion as well as all the amendments. The effect of the closure, therefore, was that the entire debate was concluded and closed and there could be no further debate on either the substantive motion or on any of the amendments thereto.

Point No (4)—I regret I cannot accept the contention that as the motions on the agenda could not be put then and there, the closure motion accepted and carired long ago has lost its force.

My decision therefore is that the debate on the motion for consideration of the Secondary Education Bill and the amendments thereto stand closed and it cannot be reopened

Withdrawal of the Opposition members.

Mr. A. K. FAZLUL HUQ: Sir, you have given your ruling and we submit to it. But unfortunately circumstances had intervened which prevented the leaders of three of the most important sections of this House from expressing their views on the question about the Secondary Education Bill. You have yourself regretted that this should have been so. It is not for me to make any comments on the ruling you have given or the reasons on which your ruling has been based. But as I was listening, I could not help feeling that in some of the statements of facts you have either not been able to correctly observe what was going on or rather you have somehow been misled, because there are statements of facts which we cannot accept. Nevertheless, as I have already said, we accept your ruling, and let me tell you that throughout this debate we have appreciated, although there have been disorderly scenes in the House, the manner in which you have tried to help all the parties to express their views on this important question. But having regard to our own feeling in the matter that the views of the leaders of three important sections have been shut out, we are afraid we cannot take any part in any Division that you may call. Our decision therefore is, with utmost respect to you, that on this occasion we retire from the House. But, Sir, there is one point which I would submit for your consideration. We the members of the Opposition will retire and it will be for you to consider whether in a House where the Opposition is entirely absent you will take the Division of the House.

(The members of the Opposition then left the chamber.)

Mr. SPEAKER: It is unfortunate that the Opposition has decided to withdraw but we have got to proceed with our business. I have now got to put the motions to the House. I must tell the House how I propose to proceed.. The motions, as I have already stated, may be classed into four groups—the substantive motion and the amendments. The amendments fall into three categories—amendments for circulation, amendments for reference of the Bill to a committee of the whole House and the amendments for reference of the Bill to a select committee. I will first put the proposal for circulation to the House.

The question that the Bengal Secondary Education Bill, 1944, be circulated for the purpose of eliciting opinion thereon was then put and lost.

The motion of Mr. P. Banerjee that the Bengal Secondary Education Bill, 1944, be referred to a committee of the whole House was then put and lost.

The question that the Bengal Secondary Education Bill, 1944, be referred to select committee was then put and lost .

The motion of the Hon'ble Mr. Tamizuddin Khan that the Bengal Secondary Education Bill, 1944, be taken into consideration at once was then put and agreed to.

Adjournment.

The House was adjourned at 5-20 p.m. till 3 p.m. on Wednesday, the 21st June, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 21st June, 1944, at 3 p.m.

Present:

Mr. Speaker (the Hon'ble MR. SYED NAUSHER ALI) in the Chair, 13 Hon'ble Ministers and 214 mmebers.

Further supplementaries to starred question No. 431.

Mr. NISHITHA NATH KUNDU: With reference to answer (*h*) when there was provision for five or six cases, will the Hon'ble Minister be pleased to state why this case was not admitted, as soon as he went there, in the Medical College and the doctor recommended for his admission?

Khan Sahib HAMIDUDDIN AHMAD: I have already said that there were some cases more urgent than one under reference.

Mr. NISHITHA NATH KUNDU: In the statement referred to in reply to question (*g*), you will find that there were only three cases during that period in the Medical College Hospital, but you have replied that there is provision for five or six cases. Will the Hon'ble Minister be pleased to state now the reasons why this case was not admitted though recommended by the doctor?

Khan Sahib HAMIDUDDIN AHMAD: There were other patients also. These three patients were admitted. There were other patients who were undergoing treatment there.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if it is a fact that though he was admitted and discharged after a day or two, he had been readmitted in the Medical College?

Khan Sahib HAMIDUDDIN AHMAD: Yes; but he was not being put under the course of treatment he was getting there.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if it was only to show that it was not really an urgent case that he was deliberately admitted and discharged?

Khan Sahib HAMIDUDDIN AHMAD: It is not so.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if it is a fact that Doctor Bose who is the Resident Medical Officer of the Medical College was asked to show the admission register by a member of the visiting committee; he brought the register but afterwards he refused to show it?

Khan Sahib HAMIDUDDIN AHMAD: We are not aware of the fact that any member of the legislature demanded the admission register.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister kindly look into the visiting members note in the Report Book to find that the fact was entered in the remark that Dr. Bose agreed first to show the admission register, he brought it but refused afterwards?

Khan Sahib HAMIDUDDIN AHMAD: From the question it is found that the Superintendent was asked to show the admission register and not the Resident Medical Officer as suggested by the honourable member. If it is a fact, then Government will certainly look into the matter.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to look into the note of the visiting member entered into the report book to find what was the actual state of affairs on that date?

Khan Sahib HAMIDUDDIN AHMAD: The answer is that in the question it is suggested that the honourable member concerned asked the Superintendent to show the admission register. If, as has been suggested by him now, the honourable member made a remark in the report book, certainly Government will look into the matter.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to refer to the observations made by Mr. Chippendale regarding admission? He reported to have heard of incidents where some persons were refused admission although a subsequent applicant was admitted. These are the observations made by Mr. Chippendale in the committee meeting held on 6th June. Will the Hon'ble Minister be pleased to refer to these observations and kindly make enquiries into that charge?

Khan Sahib HAMIDUDDIN AHMAD: I ask for notice. The papers are not before me.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to refer to the observation made by Mr. Hamidul Huq Chaudhury, a Visiting Committee member, that patients wanting to be admitted are to pay fees to the members of the staff of the hospital to secure admission?

Khan Sahib HAMIDUDDIN AHMAD: I submit, Sir, that that question does not arise.

Mr. SPEAKER: Will you repeat your question?

Mr. NISHITHA NATH KUNDU: In a meeting of the members of the Visiting Committee held on the 6th June, Mr. Hamidul Huq Chaudhury observed: "Patients wanting to be admitted pay fees to the members of the staff of the hospital to secure admission" My question is that this case was not admitted deliberately because he was a poor man and could not pay the fee.

Mr. SPEAKER: That is an argumentative question. I do not think I can allow it.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister please enquire regarding the observations made by Mr. Hamidul Huq Chaudhury in a meeting of the Visiting Committee?

Mr. SPEAKER: You have first of all to ask whether he knows about that observation at all.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that Mr. Hamidul Huq Chaudhury, a member of the visiting committee, observed in a meeting held on the 6th June: "Patients wanting to be admitted pay fees to the members of the staff of the hospital committee to secure admission."

Khan Sahib HAMIDUDDIN AHMAD: I ask for notice.

Mr. NISHITHA NATH KUNDU: In view of the question just now put by me, does the Hon'ble Minister think it desirable to enquire into the question whether such an observation was made by Mr. Hamidul Huq Chaudhury?

Khan Sahib HAMIDUDDIN AHMAD: That question does not arise.

Rai HARENDRA NATH CHAUDHURI: That is not for you to say.

Mr. SPEAKER: Mr. Kundu, what is your question?

Mr. NISHITHA NATH KUNDU: Sir, I put this question whether in view of the fact that this question was drawn attention to, the Hon'ble Minister thinks it desirable to enquire into the matter and see whether Mr. Hamidul Huq Chaudhury made this observation or not.

Khan Sahib HAMIDUDDIN AHMAD: I have already stated that Mr. Hamidul Huq Chaudhury might have made some remark as suggested by the honourable member. If the honourable member submits that Mr. Hamidul Huq Chaudhury made some remark Government will look into it.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether the Visiting Committee report comes to Government or to the department concerned?

Khan Sahib HAMIDUDDIN AHMAD: The report comes to the department.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether the statement made by the Visiting Committee was placed before the department concerned?

Khan Sahib HAMIDUDDIN AHMAD: I ask for notice.

Mr. ATUL KRISHNA GHOSE: Who is the officer in charge who looks after and scrutinises the reports of the committee?

Khan Sahib HAMIDUDDIN AHMAD: The Surgeon-General.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state when this report came to the office of the Surgeon-General?

Khan Sahib HAMIDUDDIN AHMAD: I ask for notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what was the opinion formed by the Surgeon-General or his representative who went through that report?

Khan Sahib HAMIDUDDIN AHMAD: I ask for notice. I have already said that I do not know.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether the report was at all sent back to the Medical College Hospital authorities to give their opinion?

Mr. SPEAKER: That question does not arise. He has already admitted that he does not know whether it has been seen by anybody, and asks for notice. There the matter ends.

Mr. ATUL KRISHNA GHOSE: The Hon'ble Minister says that the Visiting Committee's reports are scrutinised by the Surgeon-General or by

his staff. Will the Hon'ble Minister be pleased to state what is the effect of their supervision?

Mr. SPEAKER: But at the same time he says that he asks for notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether the members of the Visiting Committee are entitled to look into the admission register and enquire into matters relating to admission into the Medical College Hospital?

Khan Sahib HAMIDUDDIN AHMAD: I think they are.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Number of Sheristadars in the Collectorates in Bengal.

190. Maulvi MD. ABDUL HAKIM VIKRAMPURI: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) the total number of Sheristadars or Office Superintendents as the case may be in the offices of the Collectors and Magistrates and the Subdivisional Officers of all the districts and subdivisions in the Province at present; and

(*b*) the number of them that are—

(1) Muslims,

(2) Caste Hindus, and

(3) Scheduled Castes?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) Twenty-seven Office Superintendents, one for each district.

No such post exists in Subdivisional offices.

(*b*) (1) Four, (2) twenty-three, (3) none.

Results of anti-hoarding drive in Bengal.

191. Mr. DHIRENDRA NATH SEN: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state the results of Government's anti-hoarding drive launched on the 7th June, 1943?

(*b*) Will the Hon'ble Minister be pleased to lay on the Table a statement, showing district by district, the exact quantity of "hoards" seized in the Province?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) The Food Census resulted in the detection of hoards (rice, paddy and other foodgrains) and the liquefaction of stocks by voluntary sales and loans. It also enabled Government to ascertain—

(*i*) the food requirements for the period from 16th June, 1943 to 31st December, 1943,

(*ii*) the seed stocks and seed requirements,

(*iii*) the acreage of *aus* and *aman* cultivation, and

(*iv*) the number of landless families,

and other necessary data for food planning and the organisation of village and *mahalla* food committees all over the Province.

(*b*) The total quantity of hoards frozen is not readily available. A statement is laid on the Table showing the quantities requisitioned district by district.

Statement of actions against hoarding as per reports received up to 15th August, 1943, referred to in reply to clause (b) of unstarred question No. 191.

(A) TRADER—HOARDER.

	Districts.	Quantity requisitioned (in maunds).	
		Paddy.	Rice.
1.	24-Parganas	113	1,698
2.	Khulna	11,624	812
3.	Jessore	6,355	823
4.	Nadia	5,566	10,178
5.	Murshidabad	60	2,258
6.	Burdwan	59,474	59,880
7.	Howrah	6,921	9,616
8.	Hooghly	29,136	40,870
9.	Birbhum	41,630	75,062
10.	Bankura	16,950	14,497
11.	Midnapur	25,625	12,747
12.	Rajshahi	5,892	4,520
13.	Rangpur	6,586	7,303
14.	Pabna	4,069	7,118
15.	Dinajpur	94,662	94,011
16.	Malda	2,868	21,771
17.	Bogra	2,140	1,913
18.	Jalpaiguri	200	930
19.	Darjeeling	..	61
20.	Dacca	6,691	52,152
21.	Mymensingh	22,292	14,993
22.	Faridpur	1,708	8,220
23.	Backarganj	200	39,255
24.	Chittagong	13,773	49
25.	Tippera .. .	4,246	36,359
26	Noakhali	695	861
27.	Chittagong Hill Tracts ..	2,660	..
	Total ..	372,136	517,957

(B) AGRICULTURIST—HOARDER.

	Districts.	Quantity requisitioned (in maunds).	
		Paddy.	Rice.
1.	24-Parganas	9	..
2.	Khulna	90,882	67
3.	Jessore	18,449	..
4.	Nadia	5,055	..
5.	Murshidabad	3,800	..
6.	Burdwan	52,927	482
7.	Howrah	..	..
8.	Hooghly	54,576	4,186
9.	Birbhum	5,425	33
10.	Bankura	..	..
11.	Midnapore	28,240	2
12.	Rajshahi	34,102	550

Districts.	Quantity requisitioned (in maunds).	
	Paddy.	Rice.
13. Rangpur	6,321	273
14. Pabna	233	..
15. Dinajpur	4,879	244
16. Malda	30	..
17. Bogra	..	400
18. Jalpaiguri	7,044	3,851
19. Darjeeling	..	..
20. Dacca	495	..
21. Mymensingh	24,570	155
22. Faridpur	..	..
23. Bakarganj	3,500	405
24. Chittagong	219	98
25. Tippera	86	..
26. Noakhali	3,910	150
27. Chittagong Hill Tracts ..	..	..

STARRED QUESTIONS

(to which oral answers were given)

Habeas Corpus petition by certain security prisoners.

*432. **Mr. HARIPADA CHATTOPADHYAY:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that security prisoners Sjs. Sudhamay Ganguly, Nanigopal Swami Purkayastha, Manilal Dutta, Hirak Talukdar, Bhavatosh Bose, Sadhan Neogee, Arun Dutta detained under rule 26 of the Defence of India Rules filed *Habeas Corpus* petitions addressed to the Hon'ble Chief Justice, High Court of Judicature at Fort William in Bengal, on the 29th April, 1943, from the Alipore Central Jail; and

(*ii*) that the petitions instead of being sent direct to the Hon'ble High Court were sent to the Additional Deputy Secretary, Government of Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the petitions have been at all sent to the Hon'ble High Court and, if so, when?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reason thereof?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) Yes; on the 25th June, 1943.

(*c*) Does not arise.

Mr. DHIRENDRA NATH DATTA: With reference to answer (*b*), will the Hon'ble Minister be pleased to state why there was so much delay in sending the petitions to the Hon'ble High Court?

Khan Bahadur MOHAMMED ALI: The delay was due to two reasons: firstly on account of heavy correspondence work the dealing assistant overlooked their importance. Secondly, when it was discovered Government had to send the petitions along with their report regarding the cases.

Mr. HARIPADA CHATTOPADHYAY: Will the Hon'ble Minister be pleased to state why the petitions were not directly sent to the High Court?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Proposed grant of allowance to security prisoners for purchase of books.

***433. Mr. HARENDRA KUMAR SUR:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that security prisoners are generally educated men or students or examinees;

(*ii*) that jail libraries generally do not contain books and periodicals required by them; and

(*iii*) that these prisoners suffer inconvenience for want of books and periodicals?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of granting the security prisoners—

(*i*) a monthly allowance for the purchase of books and periodicals; and

(*ii*) a suitable amount for the payment of examination fees to those student prisoners who intend to appear at the University Examinations?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*)(*i*) No.

(*ii*) The question is under consideration.

Family allowance of security prisoners.

(When starred question No. 434 was called and Khan Bahadur Mohammed Ali rose to read the answer.)

Mr. DHIRENDRA NATH DATTA: On a point of order, Sir The answer does not show——

Khan Bahadur MOHAMMED ALI: How can he rise on a point of order in the midst of replies being given?

Mr. DHIRENDRA NATH DATTA: Sir, I wanted to know by question (*a*)(*iii*) the number of security prisoners who filed applications for allowances. The number has not been given in the answer.

Mr. SPEAKER: You cannot compel Government to answer in a particular way.

***434. Mr. DHIRENDRA NATH DATTA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the Table a statement showing up to 30th June, 1943—

(*i*) the number of security prisoners detained in the Province of Bengal;

(*ii*) the number of security prisoners who have been granted allowances for their families and dependants;

(*iii*) the number of those who applied for allowances;

(*iv*) the number of those whose applications have been rejected;

(*v*) the number of prisoners detained in different jails whose allowances have been increased;

(*vi*) the number of prisoners in whose cases the allowances granted to them have been increased hundred per cent.;

(*vii*) the number of those in whose cases the allowances have been increased 50 per cent.;

(*viii*) the number of cases that are being considered for increment of allowances; and

(*ix*) the names of those prisoners detained in Comilla Jail with the rate of increment in each case?

(*b*) Do the Government consider the desirability of increasing the allowance in view of the abnormal rise in price of food crops and other necessaries of life?

(*c*) Will the Hon'ble Minister be also pleased to state—

(*i*) whether the proposed increase of the diet allowance of the security prisoners has been given effect to; and

(*ii*) if so, when?

(*d*) Do the Government consider the desirability of increasing the diet allowance in view of the abnormal rise in the price of food crops, vegetable and other eatables including fish, meat, milk, etc.?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) Political security prisoners 1,574 and criminal security prisoners 2,603.

(*ii*) to (*viii*) Since the formation of the present Ministry the grant of family allowance has been liberalised and they are now more freely granted, not only in case of proved and absolute necessity but, to a reasonable extent, also in the cases in which the detention of the prisoner has resulted in a loss of legitimate income of his family and dependants. All cases in which allowance had been previously granted have been reviewed in the light of the more liberalised policy and the abnormal increase in the cost of living. Subject to the limitation that the allowance should not exceed the prisoner's ascertained pre-arrest income the allowance in appropriate cases have been increased. Suitable allowance has also been sanctioned in a number of cases in which they had been previously refused. Every case, new or old, in which it is proposed to reject the application for grant or enhancement of the family allowance is submitted to me for orders. The total number of cases reviewed exceeds 1,350.

Further particulars are not readily available and will entail an expenditure of time and labour which is not possible in the present state of emergency.

(*ix*) The Comilla Jail has since been closed down.

(*b*) The honourable member is referred to the first part of my reply to (*a*) (*ii*) to (*viii*).

(*c*)(*i*) Yes.

(*ii*) With effect from the 10th June, 1943.

(*d*) Does not arise.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister please tell us the number of security prisoners who have been granted family allowance?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister please tell us if there is any register kept of the persons who are granted family allowances?

Khan Bahadur MOHAMMED ALI: These are all kept separately. They are not kept in one register. To answer that question compilation of statistics will be necessary which will involve an expenditure and time and labour which will not be commensurate with the results.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state how many persons have applied for family allowances and how many such applications have been refused?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Starred question No. 435.

(When this question was called.)

Mr. SASANKA SEKHAR SANYAL: May I submit that this question may be held over?

Mr. SPEAKER (turning to Khan Bahadur Mohammed Ali): Have you any objection?

Khan Bahadur MOHAMMED ALI: No, Sir.

Mr. SPEAKER: Yes, the question is held over.

Alleged grievances of security prisoners.

***436. Mr. SATYAPRIYA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether his attention has been drawn to a letter of Sreejut Prabhat Chandra Ganguly, a recently released security prisoner, Dum Dum Central Jail, published in the vernacular daily *Jugantar* of 29th June, 1943—

(*i*) ventilating the grievances of security prisoners relating to family allowance, pocket allowance, study allowance of students, supply of rice, *atta* and sugar at a price higher than controlled price and the practice in Dum Dum Central Jail of taking back all the articles supplied by the Government to the security prisoners at the time of release;

(*ii*) that two ordinary compositors of Sakti Press and one assistant editor and one proof reader of the now defunct Bengali daily *Bharat*, have not yet been released; and

(*iii*) that many other responsible persons connected with the Sakti Press including the editor of the *Bharat* himself have been released?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of redressing the grievances referred to in (*a*)(*i*) and releasing the persons mentioned in (*a*)(*ii*)?

(*c*) Is the Hon'ble Minister aware—

(*i*) that even after the lapse of ten months articles including cotton mattress (তোষক) due to security prisoners in the Dum Dum Central Jail have not been supplied; and

(*ii*) that mattresses have been supplied to prisoners in other jails?

(*d*) If the answer to (*c*) is in the affirmative, is the Hon'ble Minister considering the desirability of—

(*i*) enquiring into it;

(*ii*) ascertaining who is or are responsible for it; and

(*iii*) making necessary arrangements for their immediate supply?

(*e*) Will the Hon'ble Minister be pleased to state if it is a fact that security prisoners belonging to the district of Midnapore are not allowed to write more than one letter a week and are not allowed to have any interviews with their family members?

(*f*) If so, will the Hon'ble Minister be pleased to state—

(*i*) the reasons thereof; and

(*ii*) whether he is considering the desirability of remedying these grievances?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) So far as the grievances referred to in (*a*)(*i*) of the question are concerned, all, excepting with regard to pocket allowance and study allowance

have been looked into and removed as far as practicable. Pocket allowance cannot be granted for the present and the question of study allowance is still under consideration.

(*c*) My information is that mattresses have been supplied to the security prisoners in all jails in accordance with the rules.

(*d*) Does not arise.

(*e*) and (*f*) Orders have already been issued withdrawing the restriction referred to.

Sj. NARENDRA NATH DAS GUPTA: With reference to answer (*b*), will the Hon'ble Minister be pleased to state why pocket allowance cannot be granted for the present?

Khan Bahadur MOHAMMED ALI: Because all their necessities are supplied in the jail, and if there is any hardship in the family, family allowance is sanctioned.

Grant of family allowance to certain security prisoners.

***437. Mr. PRATUL CHANDRA GANGULY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the following security prisoners have been granted any allowance for the maintenance of their families, namely:—

(1) Miss Banalata Sen, B.A.,

(2) Miss Nirmala Roy, B.A.,

(3) Mrs. Prativa Roy Choudhury, B.A.,

(4) Srijut Ganendra Chandra Bhattacharji, B.A.,

(5) Professor Saroj Kumar Sen, M.A.,

(6) Srijut Nibaran Chandra Poddar, B.A., and

(7) Srijut Debendra Bejoy Dutt?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the amount granted in each case?

(*c*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

(*d*) Is the Hon'ble Minister aware—

(*i*) that the abovementioned prisoners were earning money and maintaining their families and were the only supports of their families;

(*ii*) that Miss Banalata Sen, Miss Nirmala Roy and Mrs. Prativa Roy Choudhury are graduates of the Calcutta University and were school teachers;

(*iii*) that Sj. Nibaran Chandra Poddar was in the service of the Supply (Iron and Steel Control) Department under the Government of India and was drawing Rs. 70 as his pay and Rs. 9 as his allowance per mensem;

(*iv*) that Sj. Ganendra Chandra Bhattacharji had an agency business and was earning about Rs. 150 a month;

(*v*) that Professor Saroj Kumar Sen was the paid Secretary of the Eastern Bengal Railway Employees' Co-operative Society and was a Professor of the City College (Commerce Department) and was earning nearly Rs. 300 a month; and

(*vi*) that Sj. Debendra Bejoy Dutt was earning about Rs. 200 a month from his Coal Insurance Agency business?

(*e*) Is the Hon'ble Minister considering the desirability of granting suitable maintenance allowance for the families of the abovementioned security prisoners?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) A statement showing the amount of allowance granted in each case is laid on the Table.

(*c*) Does not arise.

(*d*) (*i*) They were earning money and contributing for the maintenance of their families but they were not the only supports of their families.

(*ii*) Yes.

(*iii*) He was a clerk in the office of the Iron and Steel Control to the Government of India in Calcutta and was drawing Rs. 60 per month as pay and Rs. 9 per month as dearness allowance.

(*iv*) Yes.

(*v*) He was the paid Secretary of the Junior Co-operative Credit office, Sealdah, and was the Professor of the Commerce Department of the City College, Calcutta, and was drawing Rs. 241 per month.

(*vi*) Yes.

(*e*) Suitable allowances have already been granted to the families of these prisoners.

Statement referred to in reply to clause (b) of starred question No. 437.

(1) Miss Banalata Sen.—Originally she was granted a family allowance of Rs. 15 per month which has since been enhanced to Rs. 50 per month.

(2) Miss Nirmala Roy.—She was, at first, granted a family allowance of Rs. 50 per month which has since been enhanced to Rs. 75 per month.

(3) Mrs. Prativa Roy.—She has been granted a family allowance of Rs. 15 per month.

(4) Babu Ganendra Chandra Bhattacharjee—He has been granted a family allowance of Rs 75 per month.

(5) Professor Saroj Kumar Sen. His father and wife have been granted allowances of Rs. 70 per month and Rs. 30 per month respectively.

(6) Babu Nibaran Chandra Poddar.—He was originally granted a family allowance of Rs. 40 per month which has since been enhanced to Rs. 60 per month.

(7) Babu Debendra Bijoy Dutta.—He has been granted a family allowance of Rs. 50 per month.

Mr. SURENDRA NATH BISWAS: With reference to answer (*e*), will the Hon'ble Minister be pleased to state what are the amounts of allowances granted to the families of these prisoners?

Khan Bahadur MOHAMMED ALI: I would draw the attention of the honourable member to the statement referred to in reply (*b*).

Mr. SURENDRA NATH BISWAS: With reference to the allowance granted to Professor Saroj Kumar Sen, will the Hon'ble Minister be pleased to state the reasons why the family allowance granted to this prisoner did not equal the amount of salary he used to draw before his arrest?

Khan Bahadur MOHAMMED ALI: In this case allowance has been given to two members of the family and the total amount is Rs. 100 per month.

Mr. SURENDRA NATH BISWAS: With reference to answer (5) in the statement, will the Hon'ble Minister be pleased to state whether Government considered the social position, status and style of living of the wife of Professor Saroj Kumar Sen, who was earning about Rs. 300 per month, and also the necessity of allowing her a suitable family allowance and not a paltry sum of 30?

Khan Bahadur MOHAMMED ALI: All these cases were taken into consideration when sanctioning family allowance.

Hoarding.

*438. **Rai HARENDRA NATH CHAUDHURI:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) what is the definition of hoarding as adopted by the department;

(*b*) whether grower's stock comes within the definition;

(*c*) whether a grower is permitted to sell his stock to the Government at the price offered by the Government to their agent;

(*d*) how many—

(*i*) European,

(*ii*) Muslim,

(*iii*) Hindu,

big stockists and traders have yet been proceeded against in pursuance of the Minister's announced policy of ruthless confiscation of hoarded stocks and their names;

(*e*) what steps have been adopted for equitable distribution of dehoarded stocks among rural and urban areas which has been announced to be an object of the drive; and

(*f*) what steps have been adopted to ensure supplies to deficit or denuded areas?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) The expression "hoard" for purposes of food drive was intended to mean stocks in excess of a family's six months' requirements including stocks of known traders or dealers, licensed or non-licensed.

(*b*) Yes.

(*c*) Government did not purchase direct from the grower, but the agents were required to give the same rate which they charged from Government, to the grower.

(*d*) The information required for answering this part of the question is not readily available, and I do not think that the labour and cost involved in collecting the information will be commensurate with the value thereof.

(*e*) De-hoarded stocks were disposed of through Government controlled shops as well as through normal trade channels, at rates fixed by Government from time to time.

(*f*) Deficit and denuded areas were linked with surplus districts and arrangements were made to make supplies of foodgrains from the surplus areas supplemented by despatches ex-Calcutta.

Cheap grain shops were opened in all areas and grains were sold at subsidized rates. Relief and gruel kitchens were also opened. Movements of grains to deficit areas were given the highest priority.

Rai HARENDRA NATH CHAUDHURI: With reference to answer (*c*), will the Hon'ble Minister be pleased to state why the growers were not permitted to offer for sale to Government direct?

The Hon'ble Mr. H. S. SUHRAWARDY: Government has no machinery for purchase nor for inspection nor for weighment.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state why Government did not avail of the existing machinery to purchase the grower's stock?

The Hon'ble Mr. H. S. SUHRAWARDY: Government has no machinery. I do not know how can I myself avail of a machinery that does not exist.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state why did not Government purchase even through their agents?

The Hon'ble Mr. H. S. SUHRAWARDY: Government did purchase through its agents.

Rai HARENDRA NATH CHAUDHURI: Do I understand the Hon'ble Minister to say that the Government was prepared to accept offers of the growers to purchase?

The Hon'ble Mr. H. S. SUHRAWARDY: I am sorry, I could not follow that question.

Rai HARENDRA NATH CHAUDHURI: Sir, my point is whether growers could offer for sale to the Government and the Government could accept their offer to purchase even through their agents?

The Hon'ble Mr. H. S. SUHRAWARDY: Government appointed agents; agents were to make purchases and report that to the Government. That is the position.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state what was the remedy for the growers if the agents refused to purchase?

The Hon'ble Mr. H. S. SUHRAWARDY: There is no reason why the agents should refuse to purchase. This is a hypothetical question.

Rai HARENDRA NATH CHAUDHURI: With reference to answer (*c*), viz: "De-hoarded stocks were disposed of through Government-controlled shops as well as through normal trade channels, at rates fixed by Government from time to time", will the Hon'ble Minister be pleased to state what quantity of the stocks was disposed of through the Government-controlled shops and what quantity through the normal trade channels?

The Hon'ble Mr. H. S. SUHRAWARDY: I am sorry, I cannot follow the question.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state how much of the de-hoarded stock was disposed of through Government-controlled shops and how much through normal trade channels?

The Hon'ble Mr. H. S. SUHRAWARDY: It all depended on the local position. Where there were Government-controlled shops in existence, there they were disposed of through Government-controlled shops; where there were no such shops in existence, there they were disposed of through normal trade channels. But it is impossible at this distance of time to say how much was disposed of through either of them.

Rai HARENDRA NATH CHAUDHURI: How did the Government ensure that there was equitable distribution in urban and local areas?

The Hon'ble Mr. H. S. SUHRAWARDY: At that period of time equitable distribution was secured in a very loose manner. Persons came and took away whatever they could; and generally speaking, only a small quantity was given to a purchaser at a time.

Rai HARENDRA NATH CHAUDHURI: With reference to the last portion of the answer, viz: "Relief and gruel kitchens were also opened. Movements of grains to deficit areas were given the highest priority", will the Hon'ble Minister be pleased to state what was the necessity of opening relief and gruel kitchens there?

The Hon'ble Mr. H. S. SUHRAWARDY: Movements by themselves could not certainly solve the problem of relief and gruel kitchens. There

were high prices to be considered and consequently relief and gruel kitchens had to be opened.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it was not the policy of the Government to stock the de-hoarded stocks in their respective localities?

The Hon'ble Mr. H. S. SUHRAWARDY: I fail to follow that question. I do not quite see how the question arises.

Mr. SURENDRA NATH BISWAS: Sir, my question is, whether it was not a fact that Government declared the policy of stocking the de-hoarded stocks and removing them to areas where the stocks were requisitioned?

The Hon'ble Mr. H. S. SUHRAWARDY: The policy is this: we got hold of certain stocks; some of these stocks were necessary for the local areas; some had to be removed to other deficit areas. All these had to be done at short notice. At this distance of time I cannot say whether there was any policy of removing or not removing rice in whole or in part from a particular locality. It all depended upon the circumstances of a particular locality.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the stocks out of the de-hoarded stocks were actually stocked in the deficit areas where there was no stock?

The Hon'ble Mr. H. S. SUHRAWARDY: They were certainly moved from the surplus areas.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government have taken any steps to stock Government rice in areas where the supply is very short?

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member is asking for what is taking place at present. This is a very old answer and does not refer to the present position.

Mr. SURENDRA NATH BISWAS: I submit to you, Sir, that the reply refers to past facts and not to the present. I want to know the present position.

The Hon'ble Mr. H. S. SUHRAWARDY: Visible stocks are being built up all over the country.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he has enquired that in the rural areas there are many unions which are running very short of visible stocks of paddy and rice?

The Hon'ble Mr. H. S. SUHRAWARDY: That is a very very general question. There must be some shortage of stocks in some unions, and it is the purpose of Government to send stocks to those unions.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government have taken any steps to send stocks to those unions to be stocked there to be sold to the rural people?

The Hon'ble Mr. H. S. SUHRAWARDY: Government is constantly taking steps to move stocks to those unions which are short of stocks.

Mr. ATUL KRISHNA GHOSE: In view of the transportation difficulty, will the Hon'ble Minister be pleased to consider the desirability of moving proportionate stocks to different districts so that in the case of urgency no extreme difficulty is experienced by the people?

The Hon'ble Mr. H. S. SUHRAWARDY: This is exactly what Government has done. Government has prepared a plan to send surplus stocks to

deficit districts. In the deficit districts these stocks are not immediately required, but this stock is being kept there so that it can be utilised at the time of crisis.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is prepared to contradict me if I say that many unions in the deficit areas have not yet been supplied with any stocks whatsoever and they are running short of foodgrains?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not prepared to contradict the honourable member, but Government is taking steps as far as possible. There are many factors which prevent all unions from being supplied. One of the factors is, the wholesale trader is not co-operating with Government. We have sent stocks but the traders of that area are not taking the stocks and removing them to deficit areas; and we have had to pass orders to remove the stocks to those areas at Government expense.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state by what time does he expect to supply all deficit areas with sufficient stocks?

The Hon'ble Mr. H. S. SUHRAWARDY: I have already told the honourable member that this is being constantly done.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Security prisoners.

192. Rai HARENDRA NATH CHAUDHURI: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the Table a statement showing, since the assumption of office by the present Ministry—

(*i*) the number; and

(*ii*) names

of political security prisoners who have been released, together with—

(1) the dates of their arrest; and

(2) the dates on which decision

for their release were taken?

(*b*) Will the Hon'ble Minister be also pleased to lay on the Table another statement showing the number of such prisoners released—

(*i*) on police initiative; and

(*ii*) on ministerial initiative and suggestion?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) how many of the aforesaid released prisoners were recommended for release by security prisoners Tribunal; and

(*ii*) whether all the prisoners recommended for release by the Tribunal have been released?

(*d*) If the answer to (*c*)(*ii*) is in the negative, will the Hon'ble Minister be pleased to lay on the Table a statement showing—

(*i*) the number of prisoners not released in accordance with the decision of the Tribunal; and

(*ii*) the reasons for not releasing them?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) The information asked for is not readily available and its compilation would involve an amount of time and labour not justifiable in war time.

(c) I am not prepared to furnish the information in the public interest.
(d) Does not arise.

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, I would submit that part of the reply contained in answer (d) is out of order. You will see, Sir, that even after the refusal to answer parts (a), (b) and (c) the question whether that part of the question does arise or not does not depend at all on the earlier part of the question. I submit that it does arise independently.

Khan Bahadur MOHAMMED ALI: It does not arise, Sir, because it has been stated that in public interest that information cannot be disclosed in the House. Therefore all questions arising out of that question do not arise.

Rai HARENDRA NATH CHAUDHURI: Sir, may I point out to you that question (c) runs thus: "How many of the aforesaid released prisoners were recommended for release by security prisoners Tribunal and whether all the prisoners recommended for release by the Tribunal have been released?" To that question the answer has been given "I am not prepared to furnish the information in the public interest." Therefore I take it that the answer to (c) is in the negative. The subsequent question is "If the answer to (c) is in the negative, will the Hon'ble Minister be pleased to lay on the Table a statement showing the number of prisoners not released in accordance with the decision of the Tribunal and the reasons for not releasing them?" This part of the question assumes that the answer to part (c) may be in the negative and the answer has been in the negative. Still the answer to (d) which does not depend at all on the negative answer to (c) has not been made.

Mr. SPEAKER: Mr. Rai Chaudhuri, the real answer seems to me to be this that taking (c) and (d) together Government are not prepared to supply certain information in the public interest. That is the real answer.

Rai HARENDRA NATH CHAUDHURI: Not the whole of it. Part of it referred to in (d) might have been answered.

Mr. SPEAKER: Might have been but they do not like to answer it.

Khan Bahadur MOHAMMED ALI: The honourable member's presumption that the answer to (c)(ii) is in the negative is correct, as has been stated several times on the floor of this House that the previous Ministry could not give effect to the full recommendation of the Tribunal because of the August disturbances.

Rai HARENDRA NATH CHAUDHURI: But you say you are not prepared to give any information at all. That is a negative answer.

Mr. SPEAKER: You need not discuss that.

Anti-hoarding campaign in Calcutta and industrial area.

193. Mr. DHIRENDRA NATH SEN: (a) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state when he proposes to start the anti-hoarding campaign in Calcutta and in the industrial area?

(b) Will the Hon'ble Minister be pleased to state the total amount of foodgrains held in Calcutta and in the industrial area, for which returns are to be submitted under provisions of the Foodgrains Control Order, 1942?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) A Food Drive was held in the area referred to on the 7th and 8th August, 1943.

(b) A statement showing the stocks of foodgrains held by Calcutta licensees on the 31st May, 1943, is laid on the Table. Corresponding figures for the industrial area are not available.

Statement referred to in reply to clause (b) of unstarred question No. 193.

CALCUTTA.

Stocks of foodgrains held on the 31st May, 1943.

	Maunds.
Rice	223,824
Paddy	51,244
Atta	56,896
Flour	2,151
Wheat	24,650

Mr. DHIRENDRA NATH SEN: With reference to answer (*b*), will the Hon'ble Minister be pleased to state why corresponding figures for the industrial area are not available?

The Hon'ble Mr. H. S. SUHRAWARDY: I suppose the officers who compiled the figures have not been able to supply me with the information.

Mr. DHIRENDRA NATH SEN: Will the Hon'ble Minister be pleased to state what steps were taken to collect those figures?

The Hon'ble Mr. H. S. SUHRAWARDY: I believe the same steps as were taken to collect the figures in Calcutta.

No-confidence Motion.

Mr. SYED BADRUDDUJA: Mr. Speaker, I have given notice of a no-confidence motion against the Hon'ble Mr. K. Shahabuddin, Minister-in-charge of Commerce, Labour and Industries Departments May I have the leave of the House to move that motion?

Mr. SPEAKER: Yes.

The Hon'ble Khwaja Sir NAZIMUDDIN: Before you give your ruling may I just point out to you rule 102(*2*)?

Rai HARENDRA NATH CHAUDHURI: Is it not too late?

Mr. SPEAKER: Let him finish

The Hon'ble Khwaja Sir NAZIMUDDIN: If the Speaker is of opinion that the motion is in order and is not an abuse of the procedure provided in sub-rule (*1*), which reads "A motion expressing want of confidence in the Council of Ministers or in a particular Minister or a motion disapproving the policy of a Minister in a particular respect may be made subject to the following restrictions".

Here, Sir, it gives you the discretion to decide whether this motion for which leave has been sought is an abuse of the rule or not. With your permission I was going to make a statement in which I was going to make it clear that when we accepted office it was on the basis of several and joint responsibility and we are prepared to treat this motion as a motion of no-confidence in the entire Ministry and if, God forbid, this motion is carried it will be treated as a vote of no-confidence against the entire Ministry. We submit, Sir, that any further motion of no-confidence will be an abuse of the rule as contemplated under rule 102(*2*) and, Sir, I most strongly submit that you would exercise your discretion and not accept any more because by accepting joint responsibility it means that the entire Cabinet will go out of office if the motion which has been tabled and for which leave has been granted by the House is carried.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir——

Mr. SPEAKER: I do not want to hear any argument. This is entirely in my discretion.

The point has been raised that if the motion tabled be carried or defeated there is an end of this matter and consequently no fresh motion can be entertained; in other words, Sir Nazimuddin has stated that already some no-confidence motion has been tabled against the Hon'ble Mr. B. P. Pain and if that is carried it means it will affect the entire Ministry and consequently no fresh no-confidence motion against any other Minister is entertainable as being an abuse of this rule. I regret I cannot accept it. It is clear in the first place that this will be simply anticipating events. We can never anticipate events. That itself is quite enough to dispose it of. I am not going into the other matters at present because that is unnecessary. That may be raised at the appropriate time and if called upon to do so I will give my decision then.

Khan Bahadur MOHAMMED ALI: You mean that every day they will bring no-confidence motions.

Mr. SPEAKER: Order please. As I have already said this motion is perfectly in order and I have allowed this motion. I have got to read this motion before the House and then to ask if the House gives leave to the member concerned.

The motion runs thus: This Assembly expresses its want of confidence in the Hon'ble Mr. K. Shahabuddin, Minister in charge of Commerce, Labour and Industries.

Leave has been asked for this motion. Those who are in favour of this motion will kindly rise in their places.

(Members rose in their places.)

The requisite number of members have risen in their places. The member has got the leave of the House.

The next question that I am called upon to decide is the day on which it should be fixed for discussion. Sir Nazimuddin, have you got to make any suggestion with regard to the date?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as that question is concerned I leave it entirely to your discretion because in my opinion the matter does not arise as I think it is an abuse of the rule.

Mr. SPEAKER: You ought not to have said that.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am sorry if I have said anything that is wrong.

Mr. DHIRENDRA NATH DATTA: He should withdraw it.

Mr. SPEAKER: Order please. Mr. Fazlul Huq.

Mr. A. K. FAZLUL HUQ: I suggest Friday.

Mr. SPEAKER: As the Leader of the House has got no objection and has left the matter entirely to me and as the Leader of the Opposition has suggested Friday, I fix for the discussion of this matter Friday next.

The next subject on the agenda is no-confidence motion against Mr. B. P. Pain. There are six of them. Under the rules if one is moved the rest will be deemed to have been withdrawn. Yes, Mr. Sen.

Point of Order.

Mr. ABDUR RAHMAN SIDDIQI: On a point of order, Sir. The Howrah Municipality affair is now before the High Court and so it has become *sub judice*—(Uproar.)

The Hon'ble Khwaja Sir NAZIMUDDIN: I do submit, Sir, that you will see that speakers from this side do get a hearing and are not interrupted in this way. I most humbly appeal to you. It is not fair on the part of the Opposition to interrupt in this way.

Dr. NALINAKSHA SANYAL: We too ought to have the same privilege.

The Hon'ble Khwaja Sir NAZIMUDDIN: That is always done.

Mr. ABDUR RAHMAN SIDDIQI: My point of order is whether speakers on either side can refer to incidents connected with the Howrah Municipality.

Mr. SPEAKER: I do not think we can postpone this matter till disposal of any matter before any Court. We have got to deal with this matter, but in the discussion certainly we have got to follow the rules strictly. Yes, Mr. Sen.

No-confidence motion.

Mr. ATUL CHANDRA SEN: Sir, I beg to move that this Assembly expresses its want of confidence in the Hon'ble Mr. B. P. Pain, Minister in charge of the Department of Communications and Works.

Sir, in a world where sympathetic co-operativeness should be the rule of life it is no pleasure for one to have to say another, "Get out, I cannot trust you" and yet this is what one must say to Bengal's now famous Minister-Chairman or Chairman-Minister, the Hon'ble Mr. Barada Prosanna Pain. Need I assure you, Sir, that it is not a mere political stunt that as many as six motions have been tabled against this gentleman. It is not for me to anticipate whether other motions will follow in other forms and against other celebrities or whether that will be at all necessary (I see one has already been tabled). What is significant and worth noting is that the Opposition has chosen the one as the object of the first assault who along with another (may be a less mischievous one) is greatly responsible for the woe and agony which Bengal is suffering today. If all the damaging allegations made elsewhere against this Minister-Chairman by people as representative as we were mere fabrications and all the none too complimentary things that are said about him in every household in Bengal today were mere gossip, he deserves to be singled out for the treatment we propose to accord him being the one mainly responsible for bringing the province to its present painful (or should I say Pain-ful) condition.

When we remember how this blessed Government have wilfully allowed millions to die of hunger and disease and may do so again presently—if they are allowed to continue how they have robbed people of their civic rights by banning free thought, speech and association; how they have kept hundreds in detention without trial condemning them to a life of barren isolation within prison walls; how they have introduced and encouraged corruption and jobbery in the various departments of administration and how from their places of position and power they have inflamed worst communal passions in people's minds resulting in communal disturbances at Dacca and elsewhree—when we remember all this we ask, who in this House outside the Muslim League Bloc, whose contributions in these respects are of course the greatest, helped bring about this woeful state of affairs? For an answer to this question we have to go back to the time when the last Fazlul Huq Ministry was manoeuvred out of office by a partisan and designing Governor. It was felt at the time, as it is felt today, that nothing short of a genuine all-party Government, can tackle the various pressing problems that confront the province. Mr. Fazlul Huq was so much in sympathy with this object that he was prepared, if need be, to sacrifice himself for its fruition But it is known Sir John Herbert—none too honestly—proceeded to exploit Mr. Huq's goodness for an ulterior political object——

Mr. ABDUR RAHMAN SIDDIQI: I rise on a point of order, Sir. Are references to a Governor whether alive or dead permitted?

Mr. SPEAKER: I do not think that a reference to a Governor is always to be banned. There have been rulings even in this House when the Governor has been criticised so far as the administration is concerned. Mere reference to a Governor is not enough.

Mr. A. F. STARK: On this point, Sir, so far as I recollect the last ruling from the Chair was to the effect that while a member could criticise the Governor as the executive head he could not ascribe any motive to him I would submit, Sir, that the honourable member has already accused the late Governor of being dishonest.

Mr. ATUL CHANDRA SEN: As I was saying, Sir, it is known Sir John Herbert—none too honestly—proceeded to exploit Mr. Huq's goodness for an ulterior political object, viz., the formation of a Muslim-League Government of the brand which we have in Bengal today. When it was felt, and rightly so, that the sinister move was about to fail for want of Hindu support there came Mr. Barada Prosanna Pain, the renegade with his less than half a dozen friends, four of whom have already returned honourably, to fill up the political vacuum of Sir John's scheme.

The constitutional Governor committed a constitutional fraud on the province and the unscrupulous job hunter committed a fraud on his country, community and constituency. It is for the perpetuation of this fraud, if not for anything else, that the latter stands condemned before the bar of public opinion and has forfeited his right to hold any public office of a repersentative character.

If it is suggested, as has been done, that Mr. Pain kotowed before Sir Nazimuddin and helped him in the formation of the Ministry with a great political object in view, viz., the fulfilment of the pledge which the latter gave him on the eve of their new journeying together and over which he and his less than half a dozen associates fell into rapture as we have found from a statement published at the time over the siganture of Hon'ble Mr. T. C. Goswami, it is time he honestly confessed his disillusionment and parted company with Sir Nazimuddin as has honestly and timely been done by his Parliamentary Secretary Mr. Atul Chandra Kumar and his three other friends. In spite of much parading and tall talk about the repatriation of the one whom he calls his leader, viz., Srijut Sarat Chandra Bose, the latter is still spending his cheerless days in an unsuitable detention camp in Madras; security prisoners in hundreds are dying inch by inch within prison walls, some of them hovering between life and death and their people outside are dying of hunger for want of suitable family allowances. With these achievements to his credit he must have realised by now that the excuse he put forward for accepting and continuing in office has no legs to stand upon. It can neither deceive him nor others. That others, viz., his country, community and constituency do not want him to be where he is now has been made manifest beyond any shadow of doubt, if any proof were necessary, in the agitation over the Secondary Education Bill. I do not propose to enter into a consideration of the Bill at this stage. Mr. Pain may believe that it is acceptable to him because that is a part of the consideration he has to pay to the Nazimuddin Government for all benefits he gets from them. But if Mr. Barada Prosanna Pain wants to enjoy these gifts let him earn them anew by his own efforts. Let him resign his seat in this House and seek re-election on the issue of the Secondary Education Bill. It is no use complaining that Dr. Syamaprasad Mookerjee and Mr. Santosh Kumar Basu have by addressing public meetings in Calcutta and Howrah created a feeling against him. It was and is open to him to address public meetings similarly and create a feeling in his favour and even retaliate by creating a feeling against them. But he has not the courage to face the music. He is not a child not to understand that the reception given to him in case he tried to do it would be anything but to his liking. Not that a bomb would be thrown at him

as he wanted us to believe that one was thrown at his house in Ballygunge after his first Budget speech last year when he had occasion to criticise Mr. Santosh Kumar Basu and express his admiration for Sir Nazimuddin. His admiration for Sir Nazimuddin is not difficult to understand. It has its money value and other values. But the insinuation he makes by a hardly believable story of bomb-throwing is not worthy even of a none too scrupulous criminal-lawyer. That is however by the by. What I want to impress upon you, Sir, is that having thoroughly alienated public sympathy and support for ends which we shall discuss presently he has no right to complain that he does not receive better treatment from the public. That the public do not like him and want him to represent them is one great reason why he should resign not merely his Ministership but also his membership of this House. I am not sure whether I can quote any parallel instance from British Parliamentary history in which a member has resigned his seat in the Parliament owing to an adverse vote from his constituency. On the contrary it may be pointed out to me that only recently Mr. L. S. Amery has disregarded such an adverse vote from some people of his constituency by which the latter asked him to resign his seat in the Parliament over the Indian question. I would maintain, however, that Mr. Pain's case stands apart. The question with regard to him is not whether all sections of his constituency support him, but whether any section supports him. I would clinch the question further and ask whether any person in his constituency supports him. I am afraid Mr. Pain can mention none who looks with a kindly eye to his continuance in office and his support to the Secondary Education Bill. A member of the British Parliament would in similar circumstances resign his seat and restore himself to public confidence unlike Mr. Pain who is sticking to his ill-gotten "feeding bottle".

It is not merely that Mr. Barada Prosanna Pain has lost the support of his country, community and constituency, but his present support in the House from his own community is practically nil. After the exit of his three erstwhile colleagues, viz., Messrs. Kumar, Chakravorty and Mandal his following has been reduced to two fellow renégades, one drawing the minister's salary and other emoluments and earnings, and the other shamelessly propagandising for Sir Nazimuddin and depending for his reward on invisible receipts and accounts. With no more than these two materially interested people to support him in his careerism it does not lie in his mouth to quote the classical expression of Edmund Burke, viz., "Just because half a dozen grasshoppers", etc., as he did the other day on the floor of the House with reference to us. We may be humming grasshoppers, but not so few as half a dozen. Mr. Pain and his yet remaining associates may be great cattle, but their number is not more than three. Number apart is there any reason why these great grovelling cattle of Mr. Burke's description who repose under the shade, I may add, of Sir Nazimuddin's Government chew their cud and make no noise, should congratulate themselves except for the little or big mouthfuls they receive from the hands of Sir Nazimuddin, the keeper of the cattle? Do these gentlemen realise (let us now leave Burke's language) that for the material gains which may not be inconsiderable from aught we know and guess they have betrayed their country and the great cause they were called upon to espouse? Do they realise that their names will go down in history as traitors who betrayed a great cause?

Considered from any point of view Mr. Pain's continuance in office and in this House is a political fraud of which any honest man having no personal axe to grind would be ashamed. But even his worst enemies will not say that honesty, political or otherwise, is one of his failings. When he thinks that for ulterior personal ends it is necessary to continue in office there is no consideration that will deter him from doing so. The shameless manner in which he is sticking to office both in Calcutta and Howrah,

the psychology being common, makes him open to the charge that at both places he has personal ends to serve.

Suggestions have been made that these ends are of a questionable character. Let us consider whether these suggestions are altogether baseless.

In order to consider the question from a proper perspective we have to go back to the time when the Nazimuddin Ministry was about to be formed. With Mr. Fazlul Huq's resignation in his pocket Sir John Herbert had called Sir Nazimuddin to explore the possibilities of the formation of what he would call a representative ministry. My party among others was approached for co-operation. We met three or four times to consider the question and from the beginning the opinion was found to prevail that it would not be proper to offer our co-operation unless all the Indian parties in the House including the Krishak Praja Party were asked to co-operate. At the second or third meeting every member present was asked to express his personal opinion on the question. When Mr. Barada Prosanna Pain's turn came, he rose up and gave his opinion in one short sentence, viz.: "We shall be false to our leader Sj. Sarat Chandra Bose if we agree to join hands with Sir Nazimuddin in the formation of ministry." Before I could congratulate him on the manner in which he had expressed his opinion he jumped into his car and drove away. When we met again after three or four days we found that the situation had greatly changed. Among other things Mr. Narendra Narayan Chakrabarty who is Mr. Pain's most redoubtable lieutenant, shouted in his stentorian voice, "The party has surrendered to Dr. Syamaprasad Mookerjee" and Mr. Barada Prosanna Pain burst out into tears saying that some one in the party had instigated a revolt against him in the Howrah Municipality. We have not yet been able to find out who this some one is or if any one actually did it, but this incident led us to the irresistible conclusion that the prospect of a discomfiture in the Howrah Municipality and his inordinate desire to stick to the municipal *guddi* at any cost had much to do with his change of front. The no-confidence motion against him had been tabled by the Commissioners of the Howrah Municipality in between the aforesaid two meetings of my party. This was to be frustrated by acquisition of power elsewhere. The master strategist could foresee that Sir Nazimuddin who was badly in need of two or three Caste Hindu Ministers to make a workable team would give him the needed protection at Howrah if he agreed to accept office. Not that he was not dying for a ministerial porttolio, but the fear of public opinion and the prospect of losing the more or less permanent estate of the Howrah Municipality have so long stood in the way. He now decided to court public displeasure on the simple calculation that if by accepting office under Sir Nazimuddin he would lose in public estimate he would gain immensely on the material side by adding another valuable estate to the one he had been enjoying at Howrah. He knows the art of extending business and decided to put it into practice on an extensive scale. He accepted office and it was not for nothing that he chose the department of Works and Communications for he knew that his experience at Howrah would stand him in good stead in the larger operations of his new office. Thus was witnessed the extraordinary but very significant phenomenon in the politico-municipal history of Bengal, namely, a minister-chairman operating on two fronts more for his personal benefits than for the benefit either of the municipality or of the province.

Speaking of the Howrah Municipality I am not to enter into the question whether the Government order superseding it is a *bona fide* one or whether Mr. Pain secured it from an obliging Chief Minister for personal ends. A body more competent than this House is sitting elsewhere to consider that question. What, however, I would submit before the House is that Mr. Barada Prosanna Pain has systematically used his office as Chairman of the Howrah Municipality for personal ends and he

is doing the same in his added and more extensive sphere of activity. The story of what has been aptly described as *pukur churi*, that is, the theft of a water tank at Howrah has by now become classical literature. I have not the time to describe in detail how Mr. Pain and a friend *benamdar* of his, whose name I shall disclose later on in another connection, purchased a few bighas of land immediately adjacent to the municipal trenching ground which was to be developed into a park and how on subsequent inspection by the Government auditor it was discovered that a portion of the municipal land had disappeared, whether in thin air or into Mr. Pain's newly and calculatedly acquired property yet remaining a mystery. I have not the time to describe at length how he split up contracts to cheat the authority of the Board and do the whole business himself either to consolidate his position or swell his bank balance. Some of these contractors have made his houses at Ghatsila and Ballygunge for what consideration is not a matter of mere speculation. Incidentally it may be mentioned here that Mr. Pain has been pleased to enlist some of these contractors in the Communications and Works Department, one of them being a former dismissed contractor of the Howrah Municipality. Whether these allegations are genuine or part of a personal or political vendetta against Mr. Pain could once for all be decided in a court of law. It was to his own interest, namely, to vindicate his honour that he ought to have invited a judicial enquiry into these allegations. Far from that, when the Commissioners decided to go to court and sue him under the Municipal Act and gave him the required notice asking him to call a meeting of the Board for the purpose, he became obstructive and refused to call the meeting. This attitude showed his fear of judicial proceedings which has its own moral.

Sir, a few words more and I finish the Howrah chapter of the story and then pass on to its Calcutta chapter which will be more revealing. What must seem strange even to the casual observer is that Mr. Pain should leech-like stick to his Howrah job after his translation into the Bengal Ministry even in disregard of the no-confidence motion passed against him. A Roosevelt may try for a fourth term of the Presidency but a Pain sticking to his fourth term of Chairmanship simultaneously with a higher office elsewhere is something very unusual and even suspicious. This looks like what Hitler calls "sticking to the feeding bottle" in his *Mein Kempf* in the chapter on Democracy. The reason which Mr. Pain adduces in support of his unusual action has no legs to stand upon.

Sir, we are not concerned here with Mr. Pain's chairmanship but with his ministership. If I have dealt with Howrah at some length, it is because it gives us a clue to the understanding of Calcutta. As a Minister of the Government of Bengal he is repeating what he has for a pretty long time been doing as the Chairman of the Howrah Municipality, namely, using his office for personal ends. There has been very little useful work in the Department under his charge. The Damodar Flood Enquiry Committee which was formed early this year submitted a report and made recommendation to which effect has not yet been given, matters remaining practically where they were. Practically nothing has been done to improve irrigation. In his speech on the Supplementary Budget Estimate of 1943 he spoke enthusiastically of "pump irrigation", but so far as my information goes Bengal has not got more than two or three hand pumps. For want of proper irrigation the *aus* crop failed. Dried up communications have received very little attention from him. He has not put his little finger to improve the disorganised inland steamer services. While these very important things have received little or no attention from him he has shown more than human energy and resourcefulness in attending to things that served his personal ends. The opportunity that he always seeks came to him in the shape of the Damodar Embankment Works Scheme. It involved an expenditure of more than a crore of

rupees. Quite a large number of contractors had to be appointed for the work. Mr. Pain so cleverly manipulated the whole affair that the power of making these appointments practically vested in him and he made the fullest use of this power to further his personal ends.

A Board has indeed been set up for the selection of the contractors. Mr. Pain himself is the Chairman of the Board, the other members being Hon'ble Khwaja Shahabuddin, the Chief Engineer of the Department concerned (Irrigation or Buildings, as the case may be) and the Superintending Engineer of the circle concerned, the latter two being *ex-officio* members. One Chief Engineer, viz., of Irrigation, cannot exercise independent judgment against the Minister as he has to seek the latter's favour for an extension of service. Similarly, the other Chief Engineer, viz., of Buildings, cannot exercise independent judgment against the Minister because the latter gave him a lift to his post in supersession of the claims of his senior in office. This gentleman had another reason of dittoing the Hon'ble Minister all the time. He got a friend of his named Mr. Eushaw appointed as a first class contractor by the Hon'ble Minister. The Superintending Engineer was not confirmed in his post so that he might not oppose. But he had the indiscretion to report against a contractor who is Mr. Pain's own man and his greatest favourite. The Superintending Engineer had to pay dearly for it. He has since been transferred from his circle. All this was indeed very clever, but cleverness of the highest degree was shown by appointing Mr. Shahabuddin a member of the Board. He has not attended any meeting of the Board since its formation because he has no need to. It is not merely that his nominees are appointed by the Hon'ble Minister as a rule, but what is remarkable is that a *benamdar* firm of his has been appointed a contractor and allotted substantial work. The story of this *benamdar* firm is rather interesting. The original name of this firm was Messrs. Saliniar & Co. of which the two other partners besides Mr. Shahabuddin were Khan Bahadur Abdul Momin and Mr. Hamidul Huq. When it was pointed out to Mr. Shahabuddin that it would look very odd if a firm showed a Minister as a partner on record were appointed a contractor, the name of the firm was changed overnight into "Bengal Construction Co.", its partnership reshuffled only on paper omitting Mr. Shahabuddin's name, the new firm representing the same people as before and the office of the firm remaining where it was before, viz., 15, Chittaranjan Avenue.

As the Chairman of this practically non-existent Board Hon'ble Mr. Barada Prosanna Pain merrily went on appointing his own men giving them work as he pleased, at least one of whom is his own *benamdar*. The name of this gentleman is Mr. K. C. Addy, one of Mr. Pain's kinsmen, who became his *benamdar* once before when Mr. Pain had to purchase the plot of land adjacent to the Howrah Municipal Park of which a portion has mysteriously disappeared as reported by the Government Auditor. One half of the plot in question was purchased in Addy's name. Another favourite contractor of Mr. Pain is one Mr. B. P. Chatterjee of Howrah, a race-course friend of his, whom Mr. Pain finances in his contract business. It is not for nothing that Mr. Pain helps Chatterjee. The latter reciprocates by giving him a share of his profit and also by establishing contract between the Hon'ble Minister and desirable parties, *i.e.*, those who can pay in return. One such party procured by Chatterjee is Messrs. Jewan Ram Ganga Ram, a firm of cotton piece-goods merchant in Burra Bazar which has never before done contract business. This firm because of its power and willingness to grease the hand got the largest amount of work, the next largest going to Bengal Construction Company, *i.e.*, Mr. Shahabuddin's *benamdar*. The firm Jewan Ram Ganga Ram got work at Barrackpore before it was enlisted as a first-class contractor in contravention of the departmental rule that no one would be given work unless enlisted a first-class contractor. It got it in supersession of the claims of many first-class contractors of long standing. The Hon'ble Minister's solicitation for the

welfare of Jewan Ram Ganga Ram is so great that he personally went to Barrackpore to give him protection against adverse reporting by the Superintending Engineer. The Superintending Engineer had to go. He was transferred because Jewan Ram Ganga Ram had to be maintained at any cost. On the 17th February last Dr. Nalinaksha Sanyal asked the following supplementary question regarding the firm of Jewan Ram Ganga Ram: "Will the Hon'ble Minister be pleased to state if the Hon'ble Minister in charge of the Communications and Works Department has any financial connection with the firm?" Unfortunately you disallowed the question. But an answer to that question if truthfully given would reveal one among many atrocious things which Hon'ble Mr. Barada Prosanna Pain is doing to make capital out of his office as Minister.

Sir, Mr. Pain's greed knows no end. He will not let go any opportunity of making money which he can do by using his position as a Minister. Among other things he is interested in land speculation. He has his regular organisation for the purpose. Indeed he had it before he became a Minister. He is only trying to use it to a greater advantage from his newly-acquired position of power. As Minister of Communications and Works he has to sanction schemes of projects of Light Railways. The Howrah-Amta Light Railway has a project of extension and requires land for the purpose. The Minister-gambler tried to negotiate purchase of lands at a price of nearly Rs. 2 lakhs contiguous to the new station of the said Railways at Howrah through his agent. When the negotiation fell through and he could not strike the bargain with the Central Bank of India, the owner of the land, he as Minister began to put obstacles in the way of sanctioning the scheme of acquisition undertaken by Messrs. Martin & Co., the Managing Agents of the said Railways. Among other things he adopted dilatory tactics in disposing of the files.

Sir, I have submitted my case against Hon'ble Mr. Barada Prosanna Pain, rather a fraction of it. I know that the materials that I have supplied are not sufficient to get conviction for a man in a court of law. I am not exactly in the position of a police investigating officer who follows up incidents as they reveal in course of an enquiry or a Public Prosecutor who argues for conviction on the materials supplied him. I have stood up to impress you and through you the honourable members that facts have been known about Hon'ble Mr. Barada Prosanna Pain which constitutes an irrefutable challenge to his honesty and integrity as a Minister of the State. If you agree with me in this you will also agree that he is unworthy to hold this responsible office.

Sir, I may refer you to a very recent case in England which though not exactly similar to the one under discussion is worth quoting in this connection. It is the case of Mr. J. H. Thomas, Colonial Secretary in Mr. Baldwin's Government formed in 1935. This gentleman along with another was charged with Budget disclosure which happened as a result of his gambling on the Stock Exchange. A tribunal was appointed which went into the question and found that the honourable gentleman was responsible for "unauthorised budget disclosures". The tribunal's finding was not that the disclosure was "deliberate" or for the purpose of "private gain". Yet the Hon'ble Gentleman had to make his exit from political life altogether, after a useful career extending 27 years of which he was in the Government for five years. He had to resign from the Cabinet as well as from the Parliament. The debate that followed the incident is instructive in more ways than one. It shows how zealously the Parliament guards its own honour as well as of the Government and does not allow any one however big or popular to tarnish it in any way. Mr. Attlee's observations in this respect are very illuminating. Among other things he says, "There are many attacks made on Democratic Government today, and any action of the nature of utilisation of a public position for private gain (Mr. Attlee thinks it like that though Mr. Thomas protests) cuts at the

root of the Democratic Government. The corruption which accompanies dictatorship is generally hidden; the corruption which enters into a democracy is brought to light and must be dealt with drastically, and if there is any suggestion at all it is that, as a democratic assembly we are bound to take action. Consequently we cannot treat an offence, or a mere mistake, in high quarters less severely than we would do if it occurred among those whose responsibilities are far less." I may quote another line from "Cabinet Government" by Jennings: "The most elementary qualificaiton for a Minister is honesty. It is, however, necessary not only that he should possess this qualification but also that he should appear to possess that qualification today." Mr. Pain certainly does not appear to possess this qualification, namely, honesty.

If these two dictums are correct as they must be to every reasonable man, can there be any question that the Hon'ble Mr. Barada Prosanna Pain must go? This is what I put to my honourable friends especially of the European Group in commending my motion to the acceptance of the House.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, I rise to support the motion that has been so ably moved by my honourable friend Mr. Atul Chandra Sen. I had a motion in my name that this Assembly expresses its want of confidence in the Hon'ble Mr. Barada Prosanna Pain, the Minister in charge of Communications and Works. I do move this motion——

Mr. SPEAKER: You cannot move the motion.

Mr. DHIRENDRA NATH DATTA: Then I support this motion with a full sense of responsibility and with a clear conscience and with a deep conviction that this Hon'ble Minister at least by his public misdeeds which are more or less admitted has forfeited the confidence of all here and outside. He has not only lost the confidence of the House but of the general public whose servants we are. If he intends to dispute that, I challenge him to face a public meeting. I am quite sure he will not be able to do it. I shall try to confine myself to narrate some of his public misdeeds. It is impossible to narrate all but is it possible to remove from our mind, to forget the acts of omission and commission of which the body of Ministers are guilty? Is it possible to forget the outrageously unconstitutional methods, the palpably corrupt practices resorted to by the whole body of Ministers for coming into their power? Is it possible to forget the acts of treachery, the nefarious methods of a turncoat and a traitor adopted by this particular Minister to get into power? Is it possible to forget the devilish way of quoting the Scripture to serve his own ends? Is it possible to forget the prostitution of the hallowed name of the Swaraj Party in order to serve the individual ends? A devil when he clearly expresses his own mind says the real state of things and he can be excused, but a devil when he quotes the Scripture in order to beguile the public he cannot be excused. This Minister when he came into power in April, 1943, along with others shed tears for the detenus and the political prisoners, he was a votary of the Hindu-Muslim unity, he gave the public to understand that he will secure the release of the political prisoners and detenus, he will establish Hindu-Muslim unity, he will tackle the food problem and will save the people of Bengal from starvation, death and diseases. The public and the House by this time do know how the Ministry have failed to fulfil the promises made at the assumption of their office. How the people of Bengal have died by thousands, nay by lakhs, in the year 1943 is well known to the whole world. How starvation and diseases have created havoc in the year 1943 and are creating havoc now is a well known thing. Only recently in the adjournment motion regarding the condition of the Chittagong Division and especially of the Chittagong district it is admitted that rice there is selling at Rs. 40 and above for the last one month.

People are dying in thousands. There is recrudescence of malaria and other diseases. The Government is helpless because they cannot transport rice from the districts where rice is available and rice is selling at Rs. 10 or less. An honourable body of Ministers would have gone out of office because they are helpless to redress the distress of the people. But, Sir, today we are not concerned with the Council of Ministers but we are concerned with the misdeeds of the particular Minister, viz., the Hon'ble Mr. Barada Prosanna Pain, the Minister for Communications and Works. I shall try to confine myself to his misdeeds as our motion is not of want of confidence upon the whole body of Ministers. I hope, Sir, the members will consider this in judging of the motion expressing want of confidence in the Hon'ble Mr. Barada Prosanna Pain. His misdeeds are many and are so apparent that any self-respecting gentleman would have at once resigned his office. In judging him we shall consider that he is in charge of the Department of Communications and Works. When he took upon the responsibility of being a Minister of the province he was then the Chairman of the Howrah Municipality but strangely he did not give up the position of the Chairman. It is contended that constitutionally he can hold both the exalted positions. It is doubtful whether he can do it but there is no doubt that he should not have retained two. He should have resigned his position of the Chairman of the Howrah Municipality because he does not enjoy the confidence of the majority of the Commissioners. It is useless and needless to consider the reasons why he forfeited the confidence of the majority, but the fact remains——

Maulvi MUHAMMAD ISRAIL: On a point of order, Sir. Is he in order as the affairs of the Howrah Municipality are *sub judice* before the High Court?

Mr. SPEAKER: Reference to Howrah Municipality is not *sub judice*.

Mr. DHIRENDRA NATH DATTA: As I was saying, Sir, it is useless and needless to consider the reasons why he forfeited the confidence of the majority, but the fact remains that he does not enjoy the confidence and still he sticks to the post. Mr. Speaker, Sir, I know the matter relating to his action as Chairman of the Howrah Municipality is the subject-matter of a rule pending in the High Court. So according to rule I should not refer to any matter of fact upon which judicial decision is pending. But the fact remains, Sir, that in the rule pending before the High Court it has been alleged—the allegation may be true or false—that the Hon'ble Mr. Pain in order to circumvent the provisions of the Bengal Municipal Act and in order to avoid the sanction of the Municipal Commissioners which he as Chairman shall have to take if any contract involves an expenditure of Rs. 500 used to split up the contract so as to reduce the amount below Rs. 500. The allegation is that Mr. Pain sanctions such illegal contracts under the authority of the Chairman to the extent of one lakh of rupees. On these allegations some of the Commissioners of the Municipality on the advice of the Advocate-General tabled a motion under the Bengal Municipal Act for taking action against the Chairman by filing a suit in the civil court for which notice was given to Mr. Pain as Chairman of the Howrah Municipality for convening a meeting.

He did not agree to do it, and so under the Bengal Municipal Act the Commissioners called the meeting to be held on June 12th last. It was further alleged that Mr. Barada Prosanna Pain had a piece of land adjoining the trenching ground of Howrah Municipality which has been converted into a park. The area of the trenching ground is found to be less by 3 bighas 10 cottahs, but an enquiry was sought for, but no enquiry was made because of the proximity of Mr. Pain's land. In these circumstances it is admitted that the Hon'ble Mr. Barada Prosanna Pain did not venture to face the allegations of misapplication of public money as

Chairman of the Howrah Municipality, did not venture to face the institution of the civil suit to have his character cleared before the public. But the Defence of India Rule was found ready to avoid the institution of the suit, and the Howrah Municipality was superseded under rule 51F of the Defence of India Rules thus prostituting the power conferred upon the Ministers by the Defence of India Rules.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. Is the honourable member in order in debating the question whether the Defence of India Rules were correctly applied or not? That is a matter under *sub judice*.

Mr. SPEAKER: Mr. Dutta, you cannot discuss it here. That is a matter for decision of the High Court.

Mr. DHIRENDRA NATH DATTA: This is admitted by the speech delivered by the Hon'ble Chief Minister on the floor of the House. Mr. Speaker, Sir, a Minister against whom there are allegations of misapplication of the public money, against whom there are allegations of converting the public property into his own property and who fails to face the civil suit to have his character cleared before the public but abuses his power as Minister to stifle the institution of the civil suit, stands condemned before the bar of the public opinion. His public character must be clean; we are not concerned with his private character.

Keeping this in the background we shall judge his conduct as Minister in charge of the Department of Communications and Works. A Minister in charge of Communications and Works must be above suspicion. This Hon'ble Minister knows perfectly well that the control over distribution of contracts gives him immense scope for misapplication of the public money. He is an expert in the art and he also knows how to secure control therefor. Mr. Speaker, Sir, I shall refer to the rule that was prevalent before he took office. I refer to rule 1009, dated 1st September, 1939. Under this rule regarding the establishment of clsas 1, 2, 3, 4 contractors, the Executive Engineer sends in a list with his recommendations to the Superintending Engineer. The Superintending Engineer makes a further list in turn and sends it with his recommendations to the Chief Engineer with whom the final selection rests. This system was working smoothly. The first list was approved by the Chief Engineer on the 13th December, 1939. In the year 1942 due to emergency created by the Japanese advance Government issued a special order, Order No. 87A, dated 13th June, 1942, empowering the Superintending Engineer to engage contractors on remuneration for essential works, and also laid down that the delaying process should not be adopted by calling for tenders, etc. According to the order the Superintending Engineer carried out works in 1942 up till the Puja vacation of the year 1943. But the construction of the bridge at Barrackpore commenced during the Puja vacation. I can tell you, Sir, what the present Minister did. Before he took office as Minister the contracts for works were given to the lowest tenderers according to some prescribed Government rules. The Government used to register the contractors, used to prescribe definite rules in the matter of distribution of the contracts to those registered contractors. Tenders used to be invited and the registered contractor whose tender was the lowest used to get the contract, but the war emergency has been the grave of many a good rule. The first casualty of the war is truth. The war has opened large and many doors of corruption. To meet the emergency the rule of giving contracts to the lowest tenderers has been dispensed with for some time. When this honourable gentleman, the Hon'ble Mr. Barada Prosanna Pain, came into office, he found that money should not be allowed to be looted by others; he should have a large share in it. Towards the end of 1943 the Hon'ble Minister

in charge of Communications and Works issued an order that the distribution of contracts would henceforth be done by a committee consisting of—

(1) Hon'ble Mr. B. P. Pain, Minister in charge of Communications and Works,

(2) Hon'ble Mr. K. Shahabuddin, Minister in charge of Commerce and Labour,

(3) the Chief Engineer, and

(4) the Superintending Engineer concerned.

Look here, the two subordinate officers necessarily will not have the courage to question the order of the Hon'ble Ministers, and so the Ministers became the real masters. The Ministers themselves undertook to distribute the contracts. It is a natural thing. Is it not a fact that the novel system was introduced because the Hon'ble Minister in charge of Communications and Works asked the Superintending Engineer in charge of Barrackpore Landing Ground to give some contracts to his nominees which he could not comply according to rules? Hence the above order was issued. The work was taken up by himself. Some of the works distributed by the Superintending Engineer were cancelled without any reason. Is it not a fact that a big portion of work was given to one Marwari business firm of Howrah, Messrs. Jewanram Gangaram, who never did any contract work of this type nor even are interested in contracts anywhere in the province? He was enlisted only after he has been given works in April, 1944, against the rule framed by the Hon'ble Minister himself. Is it not a fact that works amounting to several lakhs of rupees have been distributed to 9 contractors and of which 6 are entirely new, 3 of whom are Marwaris including Jewanram Gangaram, and except Jewanram Gangaram who have been enlisted after they have been given contracts in April, 1944, none are enlisted even now? Is it not a fact that one Bengal Construction Company was recently started about six months before, of which the Hon'ble Minister K. Shahabuddin in charge of Commerce and Labour is a partner and Hon'ble Minister in charge of Commerce and Labour or his wife is a partner of another firm named Salimar Engineering Company which has been recently registered as a first class contractor, and the works have been given to these upstart firms of which the Minister or his wife is a partner ignoring the claim of many old and reputed engineering firms? Is it not a fact that in the revised list of contractors recently prepared J. Dhar & Company, a nephew of the Hon'ble Mr. B. P. Pain, Minister in charge of Communications and Works, has been registered as first-class contractors?

The firm was a third class contractor and has been given double promotion only due to the relationship with the Hon'ble Minister, ignoring the claims of many other reputed, experienced second-class contractors. Another contractor, S. N. Kar, a third-class contractor, has been promoted to a first-class contractor because the brother of this contractor was a class mate and an intimate friend of the Hon'ble Minister in charge of Communications and Works. Some foodgrain stores are being constructed at Khulna. Tenders were invited but the works have not been distributed to the lowest tenderers according to the rules recently modified by the Hon'ble Minister himself. The work has been given to one upstart firm of the name of Messrs. Leslie & Co., 3, Kyd Street, not at the competitive rates but at rates calculated on actual cost and 15 per cent. profit against the usual 10 per cent. profit allowed by the Government. The bill of the firm was recently prepared and the Executive Engineer was ordered to make the payment within one hour. Why this indecent urgency in respect of this particular firm? Is it not a fact that the work of constructing the fourth floor on Block No. 2 of Writers' Buildings has been entrusted to one contractor without calling for any

tender? This is not even an urgent work. The work has been distributed by the Hon'ble Minister without even calling for a meeting. In the work done in the Deltaic area in Calcutta in 1942, some extremely objectionable interpolations were made in the bill books. The then Chief Engineer sent the case to the police for investigation and report. A police investigation report was submitted to the present Hon'ble Minister, Mr. B. P. Pain. A high Government officer and a number of subordinates were found to be guilty by the police. The Hon'ble Mr. B. P. Pain has shelved the matter. These allegations of mine will be found to be absolutely true if the report of the police in the above case and the proceedings of the Committee for distribution of work in November, 1943, are placed before the House. His misdeeds are many. I know, Sir, that the private conduct of the Hon'ble Minister, objectionable though it may be, is not irrelevant but the public conduct as mentioned before and found to be true on admission of the Hon'ble Minister himself and the Hon'ble Chief Minister is sufficient to cause forfeiture of confidence of any thinking House. Has not the Hon'ble Chief Minister told us, "It might be asked why the Government was taking this step (the step of superseding this municipality) at the present moment?"

The Hon'ble Mr. TAMIZUDDIN KHAN: May I rise on a point of order, Sir? What is the time-limit that you have fixed for these speeches? He has already spoken for 20 minutes.

Mr. SPEAKER: Practically when the matter was put up to me, I had already apportioned the time.

Mr. DHIRENDRA NATH DATTA: This was because the limit had been reached when the Municipal Commissioners threatened to institute the case against the Chairman. In any other country any Hon'ble Minister, if allegations of misappropriation of public money and conversion of the public property to his own would have been made against him as they have been done and if he was not ready to face these allegations and to have his character cleared, would have at once resigned. In recent years, it is well known to all, a member of the British Cabinet had to resign when a secret information before the discussion in the Parliament leaked out and it was only alleged that he had a hand in the matter. He had to resign. But unfortunately we are in a strange country: here a Minister will stick to his post though he is not ready to have his public character cleared. And I do know our European members will go to the "Noes" lobby though they would have done quite a different thing in their own country. They are here to divide and rule and their action will be regulated by nefarious principles.

Mr. Speaker, Sir, any member who wants to keep his conscience clear and wants to go by the reasons will have no hesitation in supporting the motion.

With these few words, Sir, I support the motion.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, I consider this motion as a clear camouflage. The object is to retard the progress of the Secondary Education Bill. We have seen what tactics are being followed and I am satisfied in my own place that these tactics are now becoming unbearable and nauseating. The two speeches to which we have been forced to listen are obviously the outcome of one and the same brain. They have not got much material in them and, the worst of it is that the speakers were not properly coached and prompted to deliver their lessons and to read them to us in a manner that would make them understandable. They read their allotted part in a manner which proved to me that they themselves had not understood what they were reading. I think, Mr. Speaker, you will agree with me that the insinuations cast against Mr. Pain's joining us and the reasons why the Muslim League agreed to

take him, are unworthy of people who have given Mr. Pain credentials and certificates for the period at least of four Presidentships of the Howrah Municipality, about 15 years or more. Mr. Pain did not suddenly turn into a devil incarnate on his joining the Muslim League Coalition, now known as the Bengal Coalition Party——

Dr. NALINAKSHA SANYAL: A man develops his part in good Company.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I protest against that.

Mr. ABDUR RAHMAN SIDDIQI: When members of the Opposition, like the member from the municipalities of Murshidabad, act their parts in this fashion, I realise, Sir, that I am uttering something which goes home through and through and which wounds their hearts, because gentlemen opposite, you must have realised during the last whole painful month, cannot stand the truth. They do not know how to utter the truth and they know that they are not uttering the truth. The incident about a piece of a few cottahs of land in Howrah, reminds me of a certain portion of the Woodburn Park and certain buildings and edifices in Jhowtala Road, built against all building rules and against the law as established in this city of Calcutta. But if the other fellow is black, I too should be black is not right and I should not take my stand on a defence that I also am black because you are

The other point mentioned by the two speakers who have preceded me is connected with contracts. They know, Sir, and we know, that Muslim contractors were kept out of the list and had been kept out of the list for years and years together. Mr. Pain, when he joined the present Cabinet, realised the great injustice that was being done to Muslims. They have cleverly not mentioned names that did not suit their purpose to-day. The whole of their case actually is, why were Muslims allowed to have a look in. Sir, if a Muslim gets a pie, they jump, but if lakhs and lakhs and lakhs are looted by gentlemen opposite, as has happened in the University of Calcutta, in the Corporation of Calcutta and in other organisations, autonomous and non-autonomous, in this province of ours, then it is all right and fully "nationalistic".

ہم اگر بیٹھیں تو کاہل کہلائیں - شیخ بیٹھے تو توکّل ٹھیرے

[If I sit idle, they call me lazy. If the Shaikh sits idle they call it spiritual satisfaction.] If I do it I am an angel, but if you even think of doing the same thing that I have done, you are a veritable devil. That is the argument used by gentlemen opposite

Sir, I do not wish to bring to their notice incidents connected with the earthquake in Bihar in which they did everything dirty and yet they have the hardihood to try to crush Mr. Barada Prosanna Pain, with false accusations. I wish they had shown us the honesty of their heart. To acknowledge people as their leaders with the blackest records and then to stand up in this House and call Mr. Barada Prosanna Pain names is neither gentlemanly nor honest. I wonder, Mr. Speaker, whether corruption and jobbery are not the order of the day in our scheme of life in Bengal. (Mr. KIRAN SANKAR ROY: In your scheme of life.) Not in my scheme of life but in the social scheme of life in Bengal.

Mr. Speaker, Sir, it has been claimed that this is not a personal matter, this is not a matter of vendetta against the Hon'ble Minister for Communications and Works. If that is so, then I should like to know why, in the sixteen months when gentlemen opposite were in office, they did not find fault with Mr. Barada Prosanna Pain. He must have been carrying on as criminally as they have now found, in the municipality of Howrah then also. But even the honourable the leader of the Krishnak Praja Party who, I take it, stands for the rights of the workers and peasants, did not consider

it worth his while to draw the attention of his Local Self-Government Colleague to Mr. Pain as the criminal, as has been described to us in two lengthy statements to-day.

The mover of the motion tonight has used the word "renegade". Mr. Speaker, Sir, may I ask of the Opposition and of every single member of it through you, to put his hand on his heart and declare to me and to the House, how many sitting opposite can claim that honorific title. People who have been renegades to their mother institutions, people who have not felt ashamed of changing their name from day to day—— (Interruptions from the Basu Group.) The list of renegades, Mr. Speaker, I am sure you will agree with me, is made up of men who have stabbed the Congress in the back and who have stabbed the Muslim League in the back, for the realisation of their own selfish ends.

Sir, I do not want to trouble the Hindu gentlemen opposite because I appreciate why they are staging all these "no-confidence" motions, Adjournment Motions and discussions of points of order and so on, but I should like to ask the Muslim gentlemen opposite whether they are behaving—— (Interruptions from Opposition benches.)

Mr. M. A. H. ISPAHANI: Mr. Speaker, I rise on a point of order. Is it fair and proper that a member speaking from this side of the House should not be given an opportunity to speak? We have calmly heard two long speeches from the other side.

Mr. SPEAKER: You need not dilate on that.

Mr. K. NOORUDDIN: We will also be compelled to reciprocate the feelings next time.

Mr. SPEAKER: I hope there will be no interruption.

The Hon'ble Mr. H. S. SUHRAWARDY: With great respect, Sir, we shall have to dilate on it unless you protect us.

Mr. SPEAKER: Yes, certainly I am here to protect everybody in this House.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, I am glad to notice these disturbances because they encourage me into the belief that my criticism is going home.

Mr. Speaker, Sir, they could have found some other way of interfering with the Secondary Education Bill. It does not lie in their mouth to-day to run down the Hon'ble Minister for Communications and Works, whom they have given, as I have said, certificates of good behaviour for 12, 15, perhaps 18 years and in their enthusiasm tonight, compared him even with the President of the American Republic, who is still seeking his fourth election. Mr. Pain has been elected the fourth time.

A point again has been raised and the case of Mr. Thomas has been repeated from the same book with a little bit of paraphrase, by more than one speaker. Mr. Speaker, Sir, I declare with all the responsibility and with the little knowledge of constitutions that I possess (Mr. KIRAN SANKAR ROY: Both zero) that if a member changes his party label, he is not bound to seek re-election. He is not bound under any law or convention of Parliament to resign. If honourable gentlemen opposite believe in that principle, then I am afraid those who have played false to the Congress, those who have played false to the Muslim League, will have to go out of this Assembly, completely and entirely, for they have proved themselves disloyal to the tickets on which they entered this House.

Mr. NISHITHA NATH KUNDU: May I refer the honourable member—— (Uproar and cries of "sit down" from the ministerial benches.)

Mr. SPEAKER: Mr. Kundu, why are you interfering in this way? You will have your chance.

Mr. ABDUR RAHMAN SIDDIQI: Another arrow has gone home and I am glad that it has done so. Let me repeat, Mr. Speaker, that the six motions that were placed before you were a contrivance to mislead you in the hope that, like the 125 amendments which you allowed them to move and on each of which to make speeches, these six no-confidence motions would give them six days to delay the Secondary Education Bill a week longer. I am satisfied in my place, Mr. Speaker, that there could not be a bigger humbug displayed before this House than the no-confidence motions (uproar) for the simple reason that not one item that could go to belittle Mr. Pain in our eyes has been mentioned. We accept Mr. Pain as he was to them for so many years. We accept the position that Mr. Pain was not metamorphosed into a hireling and a traitor overnight from the great pillar of nationalism that he was for all the past years including their régime when the honourable the leader of the Basu Group was in charge of Local Self-Government. It is surprising that in 16 months, the ex-Minister for Local Self-Government, could not find one single mistake in Mr. Pain's management of the municipality of Howrah, which he now finds because Mr. Pain has shaken hands with honourable gentlemen, with gentlemen who are loyal to the principles for the furtherance of which they came to this House, with gentlemen, Mr. Speaker, who have not shown any sign of being renegades. Mr. Pain is now in good company.

There is hardly anything more for me to say. The whole of this theatrical of today, to be repeated in the case of the Hon'ble Minister for Commerce and Labour and perhaps, to be followed up by other no-confidence motions, shows the weakness of the case of the Opposition in regard to the correctness of their attitude on the Secondary Education Bill. Mr. Speaker, they are mortally afraid of this Bill which we have decided to pass. We also know and appreciate the difficulties of the situation inside this House, but if they feel that they can run away with the normal conduct of business in this House by bringing forward not two or three but 11 motions of no-confidence against every Minister or, I do not know whether rules will permit that; against the remaining Parliamentary Secretaries also, we are here to speak out our mind and I am satisfied that they will have to eat dust and eat words of the type they have spoken tonight, for Mr. Speaker, in their calmer moments they do realise that they are miles away from the truth and that they will be maligning men who were their friends with whom they are angry because they have joined hands with us. The Congress, Sir, does not exist in Bengal. It has three sections now. If the honourable the leader of the Basu Group can shake hands with Mr. Fazlul Huq, if the honourable the leader of that little section which still calls itself the Congress, can act and kowtow to the other groups opposite, because perhaps of the general weakness of their position, beliefs and assertions, why not allow at least some gentlemen, who hold to truth and honesty, to come and sit among people who have at least the right to claim that they are true to what they say, they are true to what they feel and that they have not bid goodbye to the principles on which they entered this House. I hope honourable gentlemen opposite will not repeat the case as prepared by a counsel or, it may be, as prepared by the Whip of the Opposition Party, because among them he is the greatest expert in digging into filth and bringing out solid matter to fling at others. Whosoever has prepared the two speeches, they do not do any credit either to the outlook or to the argument of their author. I am not convinced by the charges made against the Hon'ble Minister for Communications and Works and I feel that in their saner moments, they will realise that they have tried to wash their dirty linen in public and that the responsibility of leadership for which there may be a competition inside the Opposition should have made them see that such things are not uttered in public and that such acts are not done.

Mr. SANTOSH KUMAR BASU: Sir, I had no desire to intervene in this debate. But the speech just made by Mr. Abdur Rahman Siddiqi calls for a reply. Sir, I am not surprised at all that such a speech has been made by Mr. Abdur Rahman Siddiqi in support of corruption and jobbery, in support of everything that is vicious and nauseating in public life. Mr. Abdur Rahman Siddiqi was the member who supported jobbery and corruption in the matter of purchase of foodgrains by the Government of Bengal.

He was the one man who had been briefed for the purpose of defending the action of the Government of Bengal and its agents when they were attacked on the floor of this House. The same Mr. Abdur Rahman Siddiqi has stood up again in support of jobbery and corruption. Mr. Siddiqi has a fine knack of running away from the House without stopping to listen to a counter-attack that may be made upon him, after having levelled his attack upon his opponents. He has adopted the same course today and is just making his exit from the House. I am not surprised, Sir, that Mr. Abdur Rahman Siddiqi should stand up in defence of one who has been disowned by his community and by his constituency. It is quite like Mr. Siddiqi. Only the other day his own community and constituency at Colootola disowned him and gave him a smashing defeat in the municipal election; and a Nationalist Muslim walked over the dead body of Mr. Siddiqi into the Corporation Chamber. It was only through a joint electorate of Hindus and Muslims that he could try to retrieve his position and secure a seat in the Corporation Chamber. I am not at all surprised that Mr. Abdur Rahman Siddiqi should stand up and defend one whom his community and his constituency have disowned in no unmistakable manner.

Now, Sir, Mr. Siddiqi says that something was done in a house adjoining Woodburn Park. He has not got the hardihood, he has not got the courage to mention the name which was insinuated by him in a most cowardly fashion. Let him come out with the name that he was referring to. Was he referring to Mr. Sarat Chandra Bose? I found some chuckling from a corner from one who professes to be a follower of Mr. Sarat Chandra Bose—— (Mr. Narendra Narayan Chakrabarty at this stage made some remark which was not audible.) (Shouts of "renegade", "traitor" from the Opposition benches.) I know, Sir, so many things about the Howrah Municipality that if I make a disclosure it will startle members of this House. I know that they cannot face that music. They can shout, they can howl at me, but I know that they cannot face that music. Sir, the question of Woodburn Park was raised by a cowardly reference by Mr. Siddiqi. Does he suggest that Mr. Sarat Chandra Bose took away one single inch of the public park in connection with the house he has built on the road known as Woodburn Park? Is that the cowardly suggestion? Let him say so openly on the floor of this House, and I shall see how to deal with it. Sir, the question that was raised in the Corporation was whether Mr. Sarat Chandra Bose could open windows from a part of his building towards the Woodburn Park. That was the only question which was raised. And Mr. Abdur Rahman Siddiqi probably from his knowledge of affairs in the Corporation thought fit to insinuate by suppressing the real truth of the case, that something was done with regard to Woodburn Park. I repeat that it was a false and cowardly insinuation with regard to a man who Mr. Siddiqi knows has been kept in detention and cannot reply.

Mr. Siddiqi also said that we have broken away from the Congress. We know how to make our explanation to the Congress when we are called upon to do so. It does not lie in the mouth of Mr. Abdur Rahman Siddiqi to bring that matter before this House and to say that we have gone out of the Congress. Whether we have gone out of the Congress or not, it is the Congress High Command which can demand our explanation. It does not lie in the mouth of one whom his own community has disowned whom his own constituency has disclaimed, to point his finger at us in this fashion.

Sir, I do not desire to take up the time of the House any more. Reference has been made to Mr. Pain's record in the Howrah Municipality during the 16th months that the previous Ministry was in office. Sir, I shall spare Mr. Pain any reference to that period. I am not going to disclose the requests that were made to me from time to time. These are matters which I am bound not to disclose here. These are matters which came to my knowledge in the course of my official duties, and I do not want to cast any aspersion or to make any suggestion in regard to them. If challenges are made, I shall be prepared to stand my ground and meet them one after another. It is well known even to the members of the Howrah Municipality. If the official records of the municipality are looked into, they will disclose what kind of requests were made to me which did not find favour at my hands. I know these are ugly matters which I am not prepared to disclose here, because I am not going to expose the man who had approached me at that time in his capacity as Chairman of the Municipality, may be in a *bona fide* manner, though I could not agree. Sir, if the archives of the Department of Local Self-Government of the Government of Bengal are looked into, much light can probably be thrown on those matters. Sir, I recall today the words of Lord Ronaldshay at a meeting of the old Bengal Legislative Council over which he was presiding. A non-official resolution had been moved for the withdrawal of the order of supersession on two municipalities. In his concluding speech Lord Ronaldshay reminded the members of the Council that every vote cast in support of that resolution would be a vote cast in support of corruption, jobbery and maladministration, and all that was hateful and nauseating in public life. I would only ask the House to remember the most serious disclosures made on the floor of the House with regard to the operations in the Communications and Works Department. Every vote cast against this motion will be a vote cast in support of corruption and jobbery of the very worst order.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I rise to support the motion for want of confidence in the Hon'ble Mr. Barada Prosanna Pain. Mr. Pain has lost the confidence of this House and should cease to be a Minister of the Government of Bengal. In private or in public life Mr. Pain has conducted himself in such a manner that he has proved himself thoroughly unfit and unworthy to hold the office of a Minister, and in fact of any responsible post under the Government or any public body.

I shall not emulate Mr. Pain's own methods and manners to probe into the personal conduct of persons in public life, however damaging that may be, and I do not propose to drag in today's discussion the activities of Mr. Pain at Manada's house at P. 46, Masjidbari Street, or at the place of Sephalika Sarkar in Jogendra Datta Lane of Rambagan.

Mr. SPEAKER: But, Dr. Sanyal, you are actually referring to his personal character—(Loud laughter from the Coalition Party benches).

Dr. NALINAKSHA SANYAL: Except in so far as is necessary to expose the unholy influence that such environments bring to bear upon Mr. Pain's public activities because some of the worst criminal acts are hatched at such places and in good company nearabout these places. Nor shall I refer to the performances of Mr. Pain on the race-course save with a view to invite attention to his having been enrolled recently as a member of the Calcutta Turf Club, after he became a Minister of the Crown, through the good offices and active support of some senior officers of Government associated with him in the Writers' Buildings, although at one time he was considered almost to be an untouchable because of the heavy debts he had incurred to the bookies at that place. Nor shall I fail to recognise Mr. Pain's undoubted abilities as a criminal lawyer—an ability which I had personally to rely upon when, as referred to by my friend, Mr. Pain——

Khan Bahadur MOHAMMED ALI: When you were guilty of a criminal act and he saved you!

Dr. NALINAKSHA SANYAL: Yes, have patience—when I myself had on a previous occasion to rely upon his abilities a few years ago as mentioned by Mr. Pain in this Legislature about a week back in connection with a criminal case instituted against me for having beaten with my shoes a Kaviraj of Calcutta one morning in a public street with a view to stop him from spreading certain baseless and malicious calumnies against myself and my character at the instance of certain designing persons——(Loud noise from the Coalition Party benches).

Mr. SPEAKER: Order, order. Please do not bring in personal matters.

Dr. NALINAKSHA SANYAL: I have no hesitation in acknowledging that not only on this occasion but also on several occasions, not only in this country but also in England including the occasion when I had to take a bold stand to uphold the honour of our esteemed Muslim countryman, Mr. Mahomed Ali, in the streets of London, of which Mr. Abdur Rahman Siddiqi has direct and personal knowledge, I had been hauled up to answer charges before British and Indian magistrates. But Mr. Pain knows full well and so also my bitterest enemies in the political field that neither in private nor in public life I have ever done anything involving the slightest moral turpitude and for which myself or any of my friends or my countrymen need feel ashamed or unhappy. This is a position quite different from that of those public men who successfully manage to masquerade in the camouflage of a decent man avoiding detection of much of their immoral and criminal activities in private and public life and to evade political suffering and the jail.

In lending my support to the no-confidence motions against Mr. Pain, Minister in charge of Communications and Works, I propose to deal mainly with Mr. Pain's public activities. Such activities fall under three categories, namely, as a public man who claims to have rendered upwards of 30 years' service to the Howrah district, as Minister-Chairman of the Howrah Municipality and as a Minister of the Government of Bengal in charge of the Communications and Works Department.

As a public man Mr. Pain has been fairly well known as a political turncoat and as an opportunist who always seeks to go the way the wind blows and consistency is a foolish crime of which he can fully claim to be quite innocent. In 1928, Mr. Pain, having no previous record of public service or suffering, was picked up from the gutter of the criminal courts of Howrah by certain Congress workers and leaders who became enamoured of his abilities as a lawyer and they managed not only to get him elected in a bye-election but also to make him the Chairman of the Howrah Municipality. But in 1931 when the call of the Congress came for nation-wide non-co-operation, Mr. Pain expressed his inability "to keep pace with the Congress" and had therefore to resign. His attempt to get re-elected as a Chairman that year was foiled. In the following term, 1934-38, he could not secure public support as a result of his previous conduct and the Chairmanship slipped out of his hands. In 1938 he threw himself at the feet of Mr. Subhas Chandra Bose and, in fact, became the treasurer of the Subhas Fund and with his support got through the municipal elections successfully. But no sooner Mr. Subhas Chandra Bose was arrested and detained than he sent a letter to the District Magistrate, Howrah, vehemently asserting that he had nothing to do with Mr. Bose and his *Forward Bloc*, and began to curry official favour principally with a view to further personal ends.

In 1942 when the new Board was constituted he found himself in a hopeless minority and sought the good offices of Mr. Santosh Kumar Basu, the then Minister-in-charge of Local Self-Government Department and had his own men nominated, and with their aid got himself elected as the Chairman. On the eve of this election he severed connection with the Congress and formed an independent party with the nominated and European councillors. About this time he suddenly became enthusiastic about the A. R. P. work in Howrah and accepted the office of Honorary Inspector of A. R. P. in Howrah town,

although a few months before that when the first A. R. P. organisation was formed by the then District Magistrate, Mr. Stuart, Mr. Pain had directed the Municipal Commissioners of his party, some of whom had then actually enrolled themselves as Chief A. R. P. Wardens in their respective areas, to resign and boycott the A. R. P.

It did not take Mr. Pain long to forget the help extended to him by Mr. Santosh Kumar Basu, and he betrayed and joined Sir Nazimuddin's Government. It should not surprise any one if in future again Mr. Pain comes out in a new rôle embracing the feet of a new political messiah if, God forbid, Mr. Subhas Chandra Bose comes here at the head of a Japanese army. And I shall not be surprised if he or his protégés will secretly go about talking with some enthusiasm and claiming to have kept the place warm only to keep the field ready for the great leader to come and take charge at the head of some foreign force.

Mr. SPEAKER: Dr. Sanyal, we must rise for prayer now. The House stands adjourned for fifteen minutes.

(The House was accordingly adjourned for fifteen minutes.)

(After adjournment.)

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I now pass on to my sizing up Mr. Barada Prosanna Pain as Chairman of the Howrah Municipality. As Chairman of the Howrah Municipality Mr. Pain has systematically flouted the opinion of the majority of the Commissioners.

Khan Bahadur MOHAMMED ALI: This no-confidence motion is against the Minister in charge of the department and not against the Chairman of the Howrah Municipality and the matter is *sub judice*.

Mr. SPEAKER: Any matter which is *sub judice* must not be brought in.

Dr. NALINAKSHA SANYAL: The Minister-Chairman has systematically flouted the opinion of the majority of the Commissioners of the municipality and has ridden roughshod over the provisions of the Bengal Municipal Act. He has freely taken recourse to jobbery and corruption and has abused his powers in various ways most of which have been dealt with by Mr. Atul Chandra Sen. In these actions he has found connivance, if not active encouragement, as he himself stated, from the then Governor of the province as well as from his new bosom friend, the present Chief Minister.

The charges that have been brought forward against him in this connection are numerous, the more prominent of which are the following:

Firstly, he completely failed to do his duty as the executive head of a premier municipality of the province.

Secondly, he converted the Writers' Buildings as his municipal office and dealt with municipal files there to the great inconvenience of the rate-payers and the municipal officers.

Thirdly, he did not take the sanction of the Commissioners in many matters requiring their sanction under the law and he carried on the administration virtually as a Hitler.

Fourthly, he extended patronage and jobbery in dealing with contracts, in splitting up the contracts to enable him to avoid the legal requirements under the Bengal Municipal Act and in making unauthorised appointments.

Fifthly, he bluffed the Commissioners with false promises as a Minister of the Government by alleged decisions of his Cabinet regarding subventions to the municipality and otherwise and thereby getting the budget that he had in his view passed by the Howrah Commissioners.

And last but not least, he abused his powers to further his own personal ends for getting a large plot of low land adjoining a proposed park at Nundy Bagan improved at nominal cost with municipal sweepings and also by securing similar facilities for some of his friends.

Over and above these he as a Minister of the Crown disobeyed and disregarded the order of the court in the case of Birendra Nath Kar and others *versus* Rabindra Nath Sen in the court of the Third Munsif of Howrah who declared the decision of the Chairman as *ultra vires*. In connection with a meeting of the District Committee this order of the Munsif's court was challenged and appealed against, but this was upheld by the Sub-Judge and yet the Minister-Chairman failed to give effect to the decision of the court. This presumably he was emboldened to do because he was a Minister of the Crown.

These and other matters have been before the public for some time and are likely to be further brought to light elsewhere in the near future and I need not go into details thereof today. I will only deal with one matter, namely, the land transaction of Mr. Pain in Nundy Bagan regarding which the truthful Mr. Pain stated a few days ago that it was an atrocious falsehood of Dr. Nalinaksha Sanyal. I would set at rest Mr. Pain's indignation by quoting one letter regarding the matter from the Chairman of the District Committee No. IV of the Howrah Municipality. This letter was addressed to me, not after the speech delivered by Mr. Pain but as early as 18th February, 1944. It runs thus:—

"Dear Dr. Sanyal,

"With reference to your inquiry regarding the above and Mr. Pain's help to Mr. Murshed in the development of his land I have made enquiries and have pleasure to send you herewith the following informations.

"Hon'ble Mr. Barada Prosanna Pain, not as Chairman of the Howrah Municipality, but personally, purchased, among other properties, about 8-10 bighas of low marshy land at Nundy Bagan in my ward which is Ward No. IV. This land is contiguous to and is to the south of old Nundy Bagan Trenching Ground. The said trenching ground was abolished by the municipality in the year 1939 and thereafter developed into a park with adjoining newly-made wide roads for building sites Mr. Pain's low land which has been filled up by the municipality with municipal sweepings and earth is just to the north of the park.

"After the layout of the park and development of Mr. Pain's land there was a shortage of municipal lands to the extent of 4 bighas which was detected by the Government Auditor in course of their annual audit which is still the subject-matter of enquiry.

"The Commissioners first came to know that Mr. Murshed, I.C.S., was interested in the development of the contiguous plot when for the first time a proposal came before the Roads and Bustee Committee on 25th March, 1943, to accept a free gift of land from Mr. Murshed measuring 18 chittacks 15 square feet to widen Tincori Bose Lane which runs alongside the land of Mr. Pain and Mr. Murshed. The Committee postponed consideration of the matter along with the proposal for widening Tincori Bose Lane when it comes. When the proceedings of Roads and Bustee Committee came up before the Commissioners for confirmation on 2nd August, 1943, the Chairman moved for acceptance of the gift and got the recommendations of the Committee altered.

"Local enquiry thereafter revealed that Mr. Murshed has through the help of Mr. Pain purchased the low land adjoining his land and is having the extensive area filled up with municipal sweepings. The arrangement between Mr. Murshed and the municipality was done by the Chairman personally and has not yet come up before the Commissioners for sanction nor any estimate of costs of filling up placed yet before the Commissioners."

Mr. A. F. STARK: On a point of order. Is it your ruling that the detailed administration of Howrah Municipality is relevant to the motion of no-confidence against the Hon'ble Minister before us?

Mr. SPEAKER: Not details but matters which show how Mr. Pain does not deserve confidence may be stated.

Dr. NALINAKSHA SANYAL: I would not have quoted this had he not the other day said that it was a lie.

Maulvi AHMED ALI MRIDHA: When? Do not commit a fraud on the people.

Dr. NALINAKSHA SANYAL: I have given you the date August, 1943. The letter further goes on:—

"I am informed that Mr. Murshed has paid some money to the municipality as costs of filling up, but the Commissioners have no knowledge thereof as it was done under the executive order of the Chairman, without the sanction of the Commissioners, presumably the estimate having not been made it was done at his sweet will."

It is also known that Mr. Pain himself contributed, after pressure was brought to bear upon him, about Rs. 800 for the development of land with municipal sweepings (Maulvi AHMED ALI MRIDHA: When?) after he was pressed and after the motion of no-confidence was tabled. The letter concludes:—"As Chairman of District Committee No. IV in charge of conservancy and administration, of the district, I have personal knowledge that sweepings of my ward and other wards are dumped into Mr. Murshed's land for raising it and filling it up. New roads are being opened and constructed to improve Mr. Murshed's land, of which no sanction of the Commissioners has yet been obtained. If an official enquiry is made on the subject, all information can be gathered.

Yours faithfully,

Chairman, District Committee No. IV."

Sir, I will not detain the House any longer on this subject. My main charge today against Mr. Pain however relates to his activities as Minister in charge of the Communications and Works Department. In this connection, before I proceed to take up the charges regarding the administration of the department over which he presides there is a connected matter which I would like to invite your attention to, regarding his abuse of the office of Chairman simultaneously with certain things that were happening at Howrah. Mr. Pain had in the beginning obtained from the Howrah Municipality——

Mr. SPEAKER: Dr. Sanyal, you will have to finish quickly.

Dr. NALINAKSHA SANYAL: Sir, I want 15 minutes more.

Mr. SPEAKER: I cannot say whether so much time will be available to you. Please try to finish quickly.

Dr. NALINAKSHA SANYAL: As I was saying, Sir, Mr. Pain obtained an overseer of the Howrah Municipality who was in service in 1929. He was lent to the Public Works Department of the Government of Bengal in 1941 as an Assistant Engineer for A. R. P. shelter construction in Howrah and Hooghly. Then, because of his ability, he was chosen by the Chief Engineer and this officer was taken over under the Chief Engineer's direct care as Inspector of brickfields. In this capacity he found large-scale use of unauthorised bricks by contractors of the choice of the Chairman of the Howrah Municipality working under the orders of the Chairman-Minister. These works were not of the nature of emergent works like A. R. P. work but of the nature of brick-on-edge work in Alam Mistry's Lane and another brick-on-edge work in another lane in Ward No. 2 near the house of Mr. Mullick—a drain on the Grand Trunk Road. Subsequently a permit was issued for a portion of the brick required for this work at the instance of the Minister-Chairman himself and also for the construction of a surface drain in front of the house of a friend of Mr. Pain, Mr. Indu Mukharji, a Commissioner of the Howrah Municipality. Similar work was also undertaken at several other places where Howrah Municipality's brick was used

though the Minister in charge knew full well that that was an offence under the Defence of India Rules. The officers of Government could take no steps because their immediate superior was the Chairman of the Municipality and it would be difficult for them to proceed against the Chairman-Minister while he held the office of Minister of the Crown in Writers' Buildings.

The officer concerned objected to this kind of abuse and for this offence he has been reverted back to the Howrah Municipality. The Minister himself started a note for reverting this officer back and there was no requisition made for having this officer sent back either by the Department or by the Engineer of the Howrah Municipality although such an allegation was made.

The Minister-Chairman secured a permit for 100 tons—this is another matter—of cement for use in connection with A. R. P. work in hand. Sanction of the Commissioners was not obtained previously. When the matter came up for sanction before the Commissioners, it transpired that only about 30 tons were used and that too not on A. R. P. work and the balance of 70 tons was sold to contractors at controlled rates permitting them to resell them to the municipality and elsewhere at black market rates. One of the contractors of Mr. Pain's choice who was involved in this work was Mr. B. K. Mukherji, a chum and a close associate of Mr. Pain in many of his activities to which I do not want to make a reference.

Sir, Mr. Pain as Chairman had to his credit many of the misdeeds and nefarious acts mentioned by me and by previous speakers. Mr. Pain as Minister of Government has to his credit various charges, the most important of which and to which I shall now confine myself because of the shortness of time available to me, is the unparallelled jobbery and corruption in the matter of selection of contractors and in the distribution of contracts and for polluting even some of the highest officers of the Communications and Works Department through his bad company. Shortly after Mr. Pain took over office, he set himself to the task of finding how he could secure for himself the power not only to lay down the policy regarding the selection of contractors as the previous Ministries contented themselves with but also to make the actual selection of individual contractors contrary to the practice followed by his previous predecessors. Granting of increased opportunities for Muslims in the matter of distribution of contracts in the Communications and Works Department had been engaging the attention of Government for some time past and Mr. Pain found in this a convenient handle to further his own personal ends. In reply to my starred question No. 98 earlier in the session on the 17th February it was revealed that early in December Government laid down a new policy on the selection of contractors whereby all the then existing old lists of contractors of the Communications and Works Department were cancelled. Fresh lists were directed to be prepared only in consultation with the Minister in charge of the department. The numbers of the proposed approved contractors under each class, namely, class 1 to class 4, were increased. A proportion of fifty-fifty for Muslim and non-Muslim contractors was directed to be followed in future and it was laid down that if a sufficient number of Muslim contractors were not available not more than 50 per cent. of the total allotments were to be given to non-Muslims. The powers of the Superintending Engineers and the Executive Engineers in selection of contractors including contractors for emergent work were modified and Superintending Engineers were directed to submit fresh lists for the selection of approved contractors by the Hon'ble Minister in charge. (Cries of "Oh! oh!" from the ministerialist benches.) My friends over there are cackling. Has any of their friends got a contract? That will reveal everything.

Now, Sir, a special committee called through courtesy and probably deliberately as a Cabinet committee, although it had no sanction of the Cabinet behind it, was composed of the Hon'ble Minister in charge of the Communications and Works Department, the Hon'ble Minister in charge of Commerce and Labour, the Chief Engineer concerned and the Superintending

Engineer in charge, and this committee was constituted towards the end of November, 1943, not only to decide upon the policy regarding selection of contractors but to effect the actual selection of individual contractors for particular jobs as well.

The immediate effect of this was as could only be expected. The houses of the Hon'ble Minister in charge of Communications and Works as well as of some of his protégés including that of the then Parliamentary Secretary were found besieged by expectants, and I, as a neighbour of Mr. Pain, could testify how he was being pampered from day to day and morning and evening in this connection. Shortly after this, reports regarding jobbery and corruption in these connections began to reach us.

Two important works had to be arranged for, namely, the air freight depot work at Barrackpore and the Damodar Embankment repair work involving large sums of money. At the first meeting of the Selection Board held on the 6th December the parties selected for the first job were —

First, Messrs Shalimar Engineering Co., of which the partners were Mr. Shahabuddin, Mr. Hamidul Huq Chaudhury and Khan Bahadur Abdul Momin.

The second in the list was no less than the reputed firm of cloth dealers Messrs. Jewanram Gangaram of whom I need not say anything further.

The third was Messrs. A. Salam and sons against whom I have little to say but this much that this firm was recommended by the Hon'ble Mr. Suhrawardy.

The fourth was again a firm who was a great associate of the Hon'ble Minister in charge of Communications and Works—Mr. B. P. Chatterjee of Howrah, a pimp and a *dalal* of the Minister.

The fifth was Mr. A. B Khan, an old contractor recommended by the Department.

Messrs. Shalimar Engineering Company never tendered for the work nor sought the work and yet this firm was only cleverly put in by Mr. Pain with a view to roping in Mr. Shahabuddin in this nefarious act. It must be said to the credit of the Chief Whip of the Government that when this matter came to my notice and I immediately drew his attention, he thereafter drew the attention, I presume, of the Chief Minister in the matter. Mr. Shahabuddin set his foot on the matter and withdrew the firm's name, but shortly thereafter his other partners and friends found that it was not a policy that they could very much follow and they overnight changed the name of the firm into the Bengal Construction Company and certain work was allotted to them thereafter. In connection with the Damodar Embankment work Khan Bahadur Momin had yet another company formed, namely, Zaidi and Company, of which he himself is the proprietor.

In connection with the Damodar Embankment Repairs work a number of protégés of the Hon'ble Minister in charge were entrusted with portions of the work, among whom the more important names that were revealed in the course of discussion in the House were those of Jewanram Gangaram, the Bengal Construction Company, Messrs. K. C. Dey, Messrs. M. M. Mukherjee, Messrs. Zaidi and Company and a host of such others recommended by the Minister.

An unholy conspiracy for patronage and jobbery thereafter set in in which the Chief Engineers also have got involved. As Mr. Atul Chandra Sen had already detailed both the Chief Engineer, Irrigation, as well as the Chief Engineer, Communications and Works, began to take advantage of the weakness of the Minister in charge to their own personal advantage.

For a big job for the construction of Nissen Huts at Khulna involving about 9 lakhs of rupees, the nominee of the Chief Engineer, Communications and Works, Messrs. Lislie and Company was given work to the exclusion of a premier Bengalee firm, Messrs. Kusumika Iron Works whose proprietor—I saw him sitting over there in the gallery above—could testify

to this. Their tender was lower than that of Messrs. Lislie and Company by about two lakhs of rupees and not only they but there was another Muslim firm who quoted Rs. 35 per thousand cubic feet of earthwork for which this firm, Messrs. Lislie and Company has been given the rate of Rs. 50. The name of this firm is Ahmed Ali Sardar of Jessore. This Messrs. Kusumika Iron Works could not be called a firm not dependable enough because shortly thereafter this firm had been given a more intricate job on the construction of hangar work at Barrackpore and the rate that has been allowed to Kusumika Iron Works for a much more complicated and difficult work has been, in the opinion of experts, much lower than the rate given to Messrs. Lislie and Company. The supervision of Messrs. Lislie and Company's work has curiously been kept in the hands of the Chief Engineer and not entrusted to any Superintending Engineer as is usually done.

Sir, there is another firm, Messrs. Eashaw and Company whose relationship with another engineer of the Department I need not go into, because that engineer is no longer there. That firm is another "reputed" concern against whose conduct enquiries have been made in the Department That firm has now been entrusted with another big job for supply of bricks at Barrackpore. No tenders were called either for this brick work or for additional works given to several other concerns by the departmental officers. Another nominee and friend of the Chief Engineer has been given some patronage in connection with repairs work. This is a minor matter and I need not go into it.

In other respects also the Chief Engineer, Communications and Works, finds it convenient and possibly to his personal advantage to keep the Hon'ble Minister pleased. This engineer has even now got three charges against him under investigation, one in connection with some act that he committed for which the audit report has been available for some time past in connection with the construction of Sevoke Bridge in the Darjeeling district. The second was in connection with placing of a large order for construction of bricks with the firm of Messrs. Eashaw and Company in connection with the construction of Arakan Road, which never materialised, and yet the firm was given a very large amount in the shape of compassionate allowance and compensation—God alone knows why. The third is in connection with construction of Delta roads. The Chief Engineer now finds it convenient to keep the Minister pleased by recommending or accepting his recommendations without murmur, because he knows that if he raised a voice of protest those three charges which are now hanging on him might be operated against him.

The Chief Engineer, Irrigation, about whose honesty at least, if not ability, we had some respect also appears to have succumbed to the conspiracy. He introduced a number of his own nominees, not necessarily on grounds of merit or past record of work in this province and I can name only three such firms.

Mr. SPEAKER: We are not concerned with what the engineers do. You need not go too much into detail. You must confine your observations to the activities of the Hon'ble Minister only.

Dr. NALINAKSHA SANYAL: Sir, I was only mentioning certain non-Bengali firms who have been imported into this province from the Punjab or Sind who have never been in the list of approved contractors of this province. To obtain the sanction of the so-called Selection Committee, which is nothing short of one man's show—the Minister himself—is not at all difficult. The Minister in charge of Commerce and Labour is a clever man and he hardly attends the Committee meetings. He only sends the names of his nominees to and through the Hon'ble Minister, Communications and Works, who gets them through. One such name is that of a brother of a Muslim League Minister of Sind. He has nothing to do with Bengal and yet he has got a good portion of the work in the Cossye Division.

Mr. SPEAKER: Dr. Sanyal, will you please finish? I cannot allow you any more time.

Dr. NALINAKSHA SANYAL: Only 3 minutes more will do.

Mr. SPEAKER: Yes.

Dr. NALINAKSHA SANYAL: Apart from the names already quoted there are few more names that I will mention here for the delectation of the House. They are, Mr. Gour Gopal Sinha, Pleader, Howrah, another prominent broker and patron of Mr. Pain, Messrs. B. C. Hui, M. N. Bose——

Mr. ABDUR RAHMAN SIDDIQI: On a point of order, Sir. Is it your ruling that names of business firms of repute shall be uttered in this House under the protection granted to our discussion? It is unfair to have widened our scope of debate to that extent. I hope you will kindly give your ruling on the point.

Mr. SPEAKER: I perfectly agree with Mr. Abdur Rahman Siddiqi that names should not be unnecessarily brought in except where it cannot be avoided.

Dr. NALINAKSHA SANYAL: Sir, among the protégés of the Hon'ble Minister in charge whose names have been given, one more Marwari name will come in, namely, Mr. G. D. Loyalka of Regent Estates. This Mr. Loyalka has not only helped Mr. Pain in getting some land at a certain place near Calcutta but in return has been rewarded with a portion of land in Nundy Bagan area.

Mr. SPEAKER: Dr. Sanyal, your time is up.

Dr. NALINAKSHA SANYAL: I shall finish in a few minutes Sir.

Mr. SPEAKER: I cannot allow any more time.

Dr. NALINAKSHA SANYAL: Apart from these faults of commission if the faults of omission were taken into account the charge-sheet against the Minister would cover volumes and it would be impossible for this House to give a patient hearing to the same. The whole province is now in the grip of a famine and we have been crying for better facilities for irrigation. We have been given facilities for small irrigational projects but very little has been done so far——

Mr. SPEAKER: Dr Sanyal, I hope you have finished.

Dr. NALINAKSHA SANYAL: I submit, Sir, that Mr. Pain has lost all claims to support and he has lost the confidence of the House entirely for his jobbery, bribery, corruption and nefarious activities. I only mention that so far as the Damodar Flood Enquiry Committee's report was concerned, the unanimous report was submitted in February last, but it has been shelved and no work has been done from February to June Sir, we are entitled to know what action the Minister has taken on the valuable and important and unanimous report of the Damodar Flood Enquiry Committee.

Mr. SPEAKER: Dr. Sanyal, please sit down. Your time is up

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, he is deliberately defying your order.

Dr. NALINAKSHA SANYAL: Sir, I conclude my appeal to the House with these words that one single vote given to Mr. Pain is a vote given to jobbery——(Loud cries from the Coalition Party benches in which the member's voice was so drowned as to be inaudible at the reporters' table.)

Mr. DAVID HENDRY: Mr. Speaker, Sir: There has been a great deal of mud-slinging and casting of aspersions in this debate which I am afraid

has not impressed us on this side of the House knowing as we do how easy it is by distortion, half truths and misrepresentation to present a completely wrong picture of any case or happening. I am afraid therefore that Dr. Sanyal's industrious collecting of the numerous instances which he has quoted and their representation in this manner has, so far as we are concerned, been a complete waste of time.

Sir, it is some time since we had a vote of no-confidence for discussion in this House, and one is led to speculate on the reasons for the present spate of no-confidence motions—since I hear rolled into one—which may have been tabled from a variety of motives. It may be, Sir, that these no-confidence motions are intended to mean no more than what they state, namely, a lack of confidence in the Hon'ble Mr. Pain; or it may be that they are part of a political vendetta to drive out a Caste Hindu from the Ministry; or, again, it may be that they are intended as a vote of no-confidence against the present Muslim Coalition Ministry as a whole. The attitude which has been taken by the Hon'ble the Chief Minister is that this vote of no-confidence is to be taken as a vote of no-confidence in the Ministry as a whole. I shall deal with that later.

To take first of all, Sir, the question of no-confidence in the Hon'ble Mr. Pain as an individual. This motion has probably been precipitated by the recent happenings in the Howrah Municipality; but, apart from the fact that we are precluded from any discussion of a matter which is at present *sub judice*, all that we can concern ourselves with in this House is whether the Hon'ble Mr. Pain is worthy of our confidence or not as the Minister for Communications and Works. To begin with, I must make it clear that we in this party consider it highly desirable that a convention should be established that an Hon'ble Minister when he takes office as such should resign other public offices. There have already been precedents to the contrary in this province—and I think the two precedents are to be found in two members of the present Opposition—and we can well understand the Hon'ble Mr. Pain's objection to be hounded out of office by a political faction from a municipality which he has served well for many years—(Mr. JOGESH CHANDRA GUPTA: Question!) So far as the work which he has done as Minister for Communications and Works is concerned, this, on all the information at our disposal, has earned our confidence. The Irrigation Department also under the guidance of the Hon'ble Mr. Pain, is, in spite of great difficulties, now, for the first time, for many years, showing signs of real activity. A large number of "Grow More Food" schemes have been taken up; experiments in pump irrigation are being carried out; the work of the River Research Institute is being intensified; and the Brahmaputra-Meghna River Commission proposal has been revived. These are a few of the activities in which Mr. Pain has engaged himself for the great benefit of this province.

There has been a great deal of criticism on the allotment of contracts between Hindu and Muslim contractors by a Selection Board. This, Sir, has undoubtedly meant that a large number of new contractors are doing Government work but this in itself would appear to be quite a good thing provided the work is done satisfactorily and we have no reason, from the enquiries that we have made, to believe anything to the contrary. We feel, Sir, that the Hon'ble Mr. Pain has been carrying on his duties as Minister for Communications and Works with energy and ability and we feel that he deserves our support. On that score alone therefore we must oppose the motion of no-confidence.

Turning now, Sir, to the wider implication of a no-confidence motion against the Ministry as a whole, should this motion succeed, it will bring about the fall of the present Muslim League Coalition Ministry and the creation of circumstances in which either the Opposition will be called upon to form a new Ministry or section 93 will have to be introduced again, and this time for no short period but according to any reading of the situation

if section 93 is introduced again, then this time it will probably be till the end of the war or until it is possible to hold the next general election.

Sir, an Opposition which moves motions of no-confidence against the Ministry either in whole or in part must be presumed to be prepared and willing to take the place of that Ministry. They must presumably have a policy and programme which as an alternative Government they will pledge theselves to carry out. The present Opposition may have such a policy and programme, but I must confess I have heard nothing of it. I remember in 1938 when the Opposition was led by Mr. Sarat Chandra Bose we had a no-confidence debate in this House and on that occasion Mr. Bose was able to place a definite policy and programme before the House. We might not have agreed with the policy and programme he enunciated, but in any case the Opposition *had* a policy and programme and what they proposed to do was made perfectly clear to us all.

Our past experience of the present Opposition does not encourage us, Sir, to hope for any clear-cut policy or programme from those now sponsoring the no-cofidence motion. We must admit that it is difficult for such a collection of diverse parties to have a common policy or programme, but such lack of uniformity does not inspire confidence or offer much hope of an alternative stable Government.

When, Sir, previous to the present Ministry we had a Ministry composed of a conglomeration of groups and holding office with the doubtful support of a party in opposition, we found the same difficulty in ascertaining what that Ministry stood for or what they hoped to achieve. That previous Ministry, Sir, had no common concrete policy other than that of remaining in office and when the danger of famine and pestilence threatened this Province they were unable to apply themselves to the serious problems involved. (Rai HARENDRA NATH CHAUDHURI: Question!) That, Sir, was the reason why we withdrew our support from that Ministry.

It seems to us, Sir, that the present Opposition still suffers from the same disability. It is merely a conglomeration of groups not united by any definite policy or programme. If it is united in anything, it is only united in its opposition to the existing Government. It must be admitted that it is the duty of the Opposition to oppose and the present Opposition undoubtedly performs that duty very vigorously; but opposition should surely be conducted on the basis of policy and principle and when that is not so the proceedings of a Legislature deteriorate accordingly. I do not think that any member in this House will deny that the present standard of proceedings in this House has deteriorated very greatly indeed since 1938.

While then, Sir, there is no policy or programme of the Opposition to guide us, we do have the policy and the achievements of the present Ministry over the past year on which to form an opinion as to whether they justify our confidence or not. After over a year in office we do find that the present Ministry have been pursuing a positive policy of economic improvement and are achieving some useful results although these may not be sufficient to satisfy all of us. On the major question of the food problem which faced them as a legacy from the last Ministry when they came into office, they have done much good and we find that the food organisation has improved beyond all recognition although it is still in our opinion merely an infant organisation and far from being perfect or adequate We must, however, express our appreciation of the results so far achieved by the Hon'ble Minister for Civil Supplies. We find also, Sir, that we have at last got a keen and energetic Minister for Agriculture under whose care the much-neglected Agricultural Department is beginning to expand into an organisation which can be of real benefit to the Province. We find also, Sir, that the Irrigation Department in the capable hands of the Hon'ble Mr. B. P. Pain—in spite of the limitation of men and materials imposed by the war—is making a real contribution to the food problem.

We find, Sir, that the Ministry are pursuing a fair and firm policy with regard to law and order. (Interruptions from the Opposition benches.) This Sir may not be pleasant to those who do not like law and order. We can see for ourselves that the difficult financial situation of this province is being handled with energy, ability and considerable success by the Finance Minister of the present Ministry. (Cries of "Oh" "Oh" from the Opposition benches.) That also Sir, may be unpalatable to those on my right but it is nevertheless true. It is in these circumstances, Sir, that we can see no reason why we should withdraw our support from the Ministry at the present moment. (Rai HARENDRA NATH CHAUDHURI: It was never expected.)

We have our own criticisms of the Ministry, but these are not such as to lead us to vote no-confidence in them. We should like to see the sheaf of departmental schemes they have prepared built into a more complete programme; we have had our doubts regarding the advisability of introducing the Secondary Education Bill during the present Budget Session although this measure as a whole has our support; we feel that communal considerations interfere too much with appointments, particularly in the case of technical emergency appointments; and there are many other points in which we think improvement could be brought about. But, in spite of these defects, Sir, we feel that the present Ministry have done a reasonably good job during the past year or more and have earned the right to our support in further efforts.

For these reasons, Sir, on behalf of the European Party I oppose the motion of no-confidence.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, in rising to oppose the motion of no-confidence I want once again to make it quite clear that we treat this motion as a motion of no-confidence in the entire Ministry and we accept joint responsibility for when we accepted office, we accepted joint responsibility as well as individual responsibility and we will treat this motion as a motion of confidence in us if Insha-Allah we win.

Sir, the one thing at which I have been amazed is the way in which the character of a person changes when that person transfers his seat from one side of the House to the other. I would remind the members of this House of the language that has been used and the epithets that have been applied to the Hon'ble Mr. Pain. May I at the same time draw your attention to the fact that this Mr. Pain 12 months ago was considered to be a leading light of the party which now is sitting there—Mr. Pain was a leading member of the Congress at that time. They did not think of Mr. Pain in these terms when Mr. Pain became a leading member of the Bose Group. (Interruptions from the Opposition benches) I know, as Mr. Abdur Rahman Siddiqi has said, that the honourable members are feeling the pinch. (Cries of "oh" "oh" from the Opposition benches.) When the Hon'ble Mr. Pain was a leading member of the Bose Group, these things never occurred to anyone of these gentlemen. The language that has been used today was never used. When the Hon'ble Mr. Pain became the Treasurer of the Subhas Bose Fund, nobody ever doubted his honesty. When Mr. Pain again was supported in his nomination for the Howrah Municipality, the then Hon'ble Minister for the Local Self-Government Department never doubted his capacity, his *bona fides*, his ability to be the Chairman of the Howrah Municipality. (Mr. NISHITH NATH KUNDU: He was not a nominated Chairman.) And what is surprising is that the honourable members quoted the audit reports. The then Minister of the Local Self-Government never thought fit to hold an enquiry or call for an explanation. (Mr. SANTOSH KUMAR BASU: It never came before me.)

But, Sir, the most surprising thing is perhaps not known to most members of this House. When Mr. Fazlul Huq formed his second Ministry, Mr. Basu, Mr. P. N. Banerjee and Mr. Pain had an interview with Mr. Sarat Chandra Bose in the jail (Mr. SANTOSH KUMAR BASU: It is not true. I never went with Mr. Pain.) and Mr. Sarat Chandra Bose

suggested Mr. Pain's name for the Ministry. At that time, he was not considered unfit for it. He declined and on their way back——

Mr. A. K. FAZLUL HUQ: On a point of order, Sir. I want your ruling, Sir, if the Chief Minister is going into the details as to the formation of the Ministry which I formed in 1941. If so, I am going to give out all the truth.

Mr. SPEAKER: That is no point of order.

Khan Bahadur MOHAMMED ALI: This ill-befits the Leader of the Opposition.

Mr. SPEAKER: Order, order. Yes, Sir Nazimuddin.

The Hon'ble Khwaja Sir NAZIMUDDIN: On their way back one of the gentlemen said, "You have shown the height of generosity by refusing to accept office. Your generosity was amazing." Then Mr. Pain's friends and supporters were very much astounded at Mr. Pain's refusal and insisted on his accepting this offer. Mr. Pain had another interview with Mr. Sarat Chandra Bose who gave a signed letter to Mr. Fazlul Huq suggesting his name for the Ministership, but perhaps by certain manipulation he was kept out of office. Sir, in December, 1941, the gentlemen sitting opposite did not think of Mr. Pain in the same way in which they do today. He was then considered to be an honourable gentleman. He was then considered to be an honest and fit gentleman to be a Minister of the Province. It is surprising, Sir, how in the course of 12 months this transformation took place in Mr. Pain, so that he may be regarded as one of the worst criminals that has ever been produced in Bengal. In the political life of Bengal this is not the first instance. Another great patriot, Sir Surendra Nath Banerjee, was similarly attacked, similarly hounded and what is more a case was started against him also. (Cries of "no, no" from the Opposition.) If the memory of the gentlemen opposite does not fail them, they will remember. Sir Surendra Nath Banerjee was attacked because he like Mr. Pain had the courage to come and accept office against the wishes of certain members of his party.

Now, Sir, the main burden of the Opposition is one of vulgar abuse. The other portion has been about the Howrah Municipality which obviously the members of the Government are not in a position to reply to, and what is more these things were never mentioned before either in the meetings of the municipality or ventilated in the press. The last portion dealing with Mr. Pain as Minister for Communications and Works refers to contracts and contractors. Here, Sir, the eternal fate of the poor Muslims is that whenever anything is given to them, attempts are always made to make out that undue favouritism is being shown to the Muslims. (Cries of "no, no" from the Opposition benches.) Mr. Pain had that courage—— (Cries of "sheer misrepresentation" from the Opposition benches). I am afraid by howling you cannot make out a case. (Uproar.)

Mr. SPEAKER: Order, order. There are members of your side who will also have their chance to reply. Yes, Sir Nazimuddin.

The Hon'ble Khwaja Sir NAZIMUDDIN: Mr. Pain had that courage to insist that at least 50 per cent. of the contracts should go to the Muslims. (Dr. NALINAKSHA SANYAL: Have they gone?) And today he is being punished for that. That is his only crime. (Dr. NALINAKSHA SANYAL: Will you make an enquiry and see?)

Mr. DHIRENDRA NATH DATTA: I rise on a point of order, Sir. Is the Hon'ble Minister entitled to falsify facts? There has been no misrepresentation of facts from this side.

Mr. SPEAKER: Order, order. That is no point of order.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, there is a host of other names. Dr. Sanyal did not mention their names because they are all Muslims. (Dr. NALINAKSHA SANYAL: That shows that we did not want

the Muslim issue to be raised.) Sir, to build up his case he has mentioned the two Chief Engineers of the Province to be in conspiracy with the Hon'ble Minister. (Dr. Nalinaksha Sanyal: I gave you the actual facts.) Sir, Dr. Sanyal's facts are well known to the House. We know what those facts are worth. Whenever he states certain facts he twists them. I know how deliberately on certain occasions Dr. Sanyal distorted facts and said that those facts were within his knowledge. (Dr. Nalinaksha Sanyal: You cannot utter such words.)

I maintain, Sir, that Mr. Pain is being persecuted today because he has joined this Ministry, because he has got the courage of conviction and because he is trying to do an honest work, because he is trying to see that justice and fair-play is done to both the communities and to all the communities. I remember one of the gentlemen mentioning about a certain work being given without tenders being called, particularly about Writers' Buildings, and he wanted to know what was the urgency about that. Sir, the honourable member is not aware that we wanted this work to be completed in two or three months. It is a well known fact—I may state here. I do not know if any member knows this fact or not—in the case of the two buildings attached to the Assembly Building where our party meetings are held, one of the Opposition party and the other of the Government party, when these structures were to be constructed, we wanted them to be done within a specified time, and the then Chief Engineer, not the present Chief Engineer, made it a condition in the Cabinet that if Government wanted that work to be done within the specified time, they must give permission to allot the work without calling for tenders. Moreover, contracts of crores of rupees are now being distributed for war emergency work without tenders being called. A large number of contractors are there today building aerodromes and other structures for war purposes who have never in their life before known what war contracts are. Many friends of Dr. Sanyal—I can mention their names if he wants—who have never done any contract work before, are now doing that work involving not a petty amount but thousands and crores of rupees. (Dr. Nalinaksha Sanyal: I have no friends who have ever approached you.) Many people are now doing work involving crores of rupees given by the military authorities. As a matter of fact Bengalees would not have got any share in the war contracts if they had not been given this work, because, there are very few Bengalee contractors in the Public Works Department and the Central Public Works Department on account of the policy of the past Government. I do not want to go into details as Mr. Siddiqi has said, "if the other side is black, that does not defend this side".

I don't want to rake up the allegation that the contracts that were given then to various firms, and how banks were utilised for these purposes, were contracts given out to people who had never done any kind of Public Works Department work. (Loud interruptions.) This in war time is an emergent work. You have got to do it, and what is more, if you want to give contracts to the Muslims, then the Minister himself had to take charge of it. There was no way out of it, but he took great care to have in the committee both the Chief Engineers, but Dr. Sanyal stated that the Minister could win over the Chief Engineers, and so Dr. Sanyal went further and implicated the Chief Engineers with the criminals. (Dr. Nalinaksha Sanyal: I will prove it to the hilt if there is an enquiry.) (Interruptions.) I will go further and say that I do want formally to protest against the conduct of Dr. Sanyal in this House. Sometime or other, Sir, when you will be able to make Dr. Sanyal have more control, I think it will be an extraordinary day in the history of the Bengal Legislature, and I do hope, Sir, that this will be done because he is bringing the name of the House into disrepute. (Dr. Nalinaksha Sanyal: I hope no provocation will be given to me.) (Interruptions.) I see my friend Kumar Shib Shekhareswar Roy sitting over there looking at me. I would just ask him what he thinks about it. He was President of the old House, and I knew how order was maintained in those days.

Now, Sir, I will not take any more time of the House. But I feel, Sir, that as far as this motion is concerned I have been able to show that the *bona fides* are absolutely nil. It is purely a political stunt brought about merely for the sake of attacking Mr. Pain so that they can get rid of the Ministry and stop the Secondary Education Bill. When I look at, the members sitting over there who gave solemn assurances and even swore on the Holy Quoran that they would keep to the Party election pledges, when I see that those very gentlemen go over there and sit there and then talk of other people as being renegades and traitors——(Interruption.)

Mr. SYED BADRUDDOJA: They are not betrayers of Islam.

The Hon'ble Khwaja Sir NAZIMUDDIN: It is only too clear who are those renegades and traitors. Sir, I have nothing more to add and I oppose the motion.

Mr. SANTOSH KUMAR BASU: Sir, I desire to withdraw one statement that I made that I never accompanied Mr. Pain to the Alipore Jail to see Mr. Sarat Chandra Bose. I did accompany him once, but my memory fails.

Dr. SYAMAPRASAD MOOKERJEE: Let me in the first instance make it abundantly clear that the motion of no-confidence against Mr. Barada Prosanna Pain does not affect the entire Ministry. (Cries of "Ha, ha" from the Government benches.) Sir, the rules permit any member of the Legislative Assembly to bring a motion of no-confidence against an individual member or against the Council of Ministers as such. The Opposition has made it clear that the present motion is directed only against Mr. Barada Prosanna Pain It does not matter in the least what interpretation the Leader of the House and the Chief Minister wants to give to this motion. He says, Sir, that if the motion is lost he will regard it as a motion of confidence in the entire Ministry. Unfortunately, the rules do not provide for any motion of confidence in the Ministry resulting out of the defeat of a single no-confidence motion against an individual Minister. However, I do not wish to deal with this constitutional point at this stage.

Sir Nazimuddin has referred to the history of the formation of the second Ministry under Mr. A. K. Fazlul Huq in December, 1941. I hold in my possession certain documents written by Sj. Sarat Chandra Bose. I hold in my possession also the letter which Sj. Sarat Chandra Bose wrote to Mr. Fazlul Huq, I believe on the 13th or 14th of December, 1941. It was brought to me at my house about midnight by Mr. Atul Chandra Kumar in a car which carried both Mr. Barada Prosanna Pain and Mr. Atul Chandra Kumar. As Sir Nazimuddin has referred to that incident it is desirable that the facts should be put on record Mr. Barada Prosanna Pain, it is true, did not wish to stand for the Ministership at the first stage. The names of the Ministers belonging to Mr Sarat Bose's party were communicated through me by Mr Bose from inside the Presidency Jail and I conveyed the names to Mr. Fazlul Huq just a few minutes before his interview with His Excellency the Governor at Government House. The names given were those of Mr. Santosh Kumar Basu and Mr. Pramatha Nath Banerjee. That afternoon the late Sir John Herbert interviewed all the Ministers-designate barring the Chief Minister, the Nawab Bahadur of Dacca and myself who had already taken their oath of office. That night Mr. Sarat Chandra Bose wrote again to Mr. Fazlul Huq that for reasons which he was unable to disclose it was imperative that Mr. Barada Prosanna Pain must be included as a Minister in place of Mr. P. N. Banerjee, and he requested Mr. Huq to see that the name of Mr. Banerjee was not placed before His Excellency the Governor but the name of Mr. Barada Prosanna Pain was included.

It was a pathetic letter. He said in that letter that he was not disclosing the reason which was compelling him to make this recommendation and to withdraw his previous decision arrived at in the morning in regard to

Mr. Pramatha Nath Banerjee. At that time Mr. Bose did not know that the Governor had already interviewed all the prospective Ministers and a *communiqué* was issued in the Press the next morning. The next morning Mr. Fazlul Huq and myself went to see Mr. Sarat Chandra Bose inside the Presidency Jail. He was a completely broken man. He said he could not sleep the whole of the previous night because he knew the seriousness of the recommendation which he was compelled to make the previous evening. He did not disclose what the compelling circumstances were, but this much was clear that Mr. Barada Prosanna Pain, the patriot, had put great pressure on Mr. Bose which made it necessary for him to withdraw his original recommendation and include the name of Mr. Pain. When Mr. Sarat Chandra Bose was told that already the Governor had interviewed the Ministers and their names had appeared in the newspapers, he said that it was impossible for him to suggest that Mr. Barada Prosanna Pain should be appointed Minister under those circumstances. At this stage something happened inside the Presidency Jail. Mr. Sarat Chandra Bose wanted to explain the circumstances to Mr. Pain over the telephone. I was there. Mr. Fazlul Huq was there. Mr. Bose was allowed to use the telephone. Mr. Fazlul Huq being the Chief Minister, the Superintendent, Mr. Luke said that although Mr. Bose was a security prisoner he was permitted to use the telephone and talk directly to Mr. Pain. What Mr. Pain told in reply I could not hear sitting inside the Jail. But Mr. Bose explained to him and Mr. Pain got furious, and Mr. Bose's words are still ringing in my ears: Mr. Bose said to Mr. Pain, "On bended knees I ask for your forgiveness. You understand the position. I cannot give you a Ministership." Mr. Pain was threatening to resign from the party, the patriot that he is; the leader whom he so loved and revered, who was inside the jail was compelled to apologise to him because he could not make Mr. Pain a minister, although Mr. Pain on the previous day had agreed that he was not going to be a candidate for Ministership. At that stage Mr. Barada Prosanna Pain threw down his receiver. Mr. Sarat Chandra Bose went on asking for Mr. Pain and turning to us said, "Mr. Pain has thrown down the receiver and would not speak." That was in short the history of non-appointment of Mr. Pain as Minister. Now from that moment Mr. Barada Prosanna Pain was not very happy and pleased, and the circumstances that happened during the period when we were in office, the intrigue he carried on, I need not discuss because they are not relevant to the subject-matter of today's discussion.

I shall now come to the 30th March, 1943, when Mr. Fazlul Huq was made to resign by Sir John Herbert, and the announcement was made in this very Chamber in course of the Budget discussion of that particular year. Even at that time Mr. Barada Prosanna Pain had not expressed any desire to sever his connection with the Coalition Party over which Mr. Fazlul Huq presided. There was no question of his showing any want of confidence in Mr. Santosh Kumar Basu either. On that day when the Progressive Coalition Party met in the Committee Room of the Bengal Legislative Assembly and the situation which was suddenly created on account of the forcible resignation of Mr. Fazlul Huq was being discussed, member after member was getting up and making comments; the most theatrical comment made was by Mr. Barada Prosanna Pain himself. He said, "I do not want to make a long speech but only one sentence. My motto is, "With Mr. Fazlul Huq up to death and never with Sir Nazimuddin." That was the oath he wanted every member of the Progressive Coalition Party to take on the 30th March, 1943. There are many members in this House who were present on that day who will remember that theatrical announcement of Mr. Barada Prosanna Pain. And that day he was furious with Sir John Herbert whom he is quoting now——.

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, would you please ask Mr. Suhrawardy to go back to his own seat?

Mr. SPEAKER: Not now.

Dr. SYAMAPRASAD MOOKERJEE: On that day when it was being discussed as to what steps should be taken to vindicate the honour of the Ministry, Mr. Barada Prosanna Pain, the patriot, advised his colleagues, Mr Santosh Kumar Basu and Mr. Pramatha Nath Bnerjee, that they should rise to the full height of the occasion and face dismissal by the tyrant, Sir John Herbert, the same, the very Sir John Herbert who gave him protection under his protecting wings to continue as Chairman of the Howrah Municipality. On the 4th April, 1943, when a meeting was being held at the Sradhananda Park to protest against the action of Sir John Herbert, the long and strongly-worded resolution condemning the action of Sir John Herbert was drafted by Mr. Barada Prosanna Pain. He was standing near the rostrum giving full support to the members and speakers that they should go ahead. Not that alone, Sir; at the end of that resolution Mr. Barada Prosanna Pain insisted that there should be a paragraph added asking for the recall of Sir John Herbert and it was at his insistent request that the resolution was so amended. That was Mr. Barada Prosanna Pain, the patriot, on the 4th April, 1943. Then in the course of the next fortnight he discovered a new Messiah in Khwaja Sir Nazimuddin under whose protecting wings he has placed himself for the last thirteen months.

Now, Sir, when the Bose Party met and other groups met there was no suggestion coming from Mr. Barada Prosanna Pain that he would resign and sever his connection with the Progressive Coalition Party until that fateful day the 14th April, 1943, when he and his supporters met and came to the decision that they would stab not only their party but also the province in the back. Sir Nazimuddin says that it is very funny that when a member gives up his allegiance to a particular party and joins another party, he ceases in the opinion of his former colleagues to be a good and honest man. That is a statement which Khwaja Sir Nazimuddin has been good enough to make just now. Will Sir Nazimuddin state if there are circumstances which go to show that a particular individual for the purpose of serving his personal ends deserts not only his party but also the principles to which he had adhered for more than 25 years, will that person command the respect and confidence of either Sir Nazimuddin or of any section of honest people?

Mr. ABDUR RAHMAN SIDDIQI: Look at your own leader.

Dr. SYAMAPRASAD MOOKERJEE: What Mr. Barada Prosanna Pain was before he became a Minister is not being discussed today. The question we are discussing today is this: Is Mr. Barada Prosanna Pain a fit and proper person to continue as a Minister? Is he a person who deserves the support of this House to continue as Minister of the Crown? Now, here, I shall divide my arguments into two parts In the first place I shall ask, what is the character of Mr. Barada Prosanna Pain—not his personal or individual character but his character as a public man?

What is the status which he or Mr. Tulsi Chandra Goswami or Mr. Tarak Nath Mukerjea enjoys? What is the status these three gentlemen enjoy when they are sitting over there in the Treasury benches? Whom does Mr. Barada Prosanaa Pain represent? Does Mr. Pain represent as Minister his individual self alone? He goes there as a representative of the Hindus, as a representative of the Caste Hindus. Mr. Hendry in his nicely got-up speech—prepared beforehand; even before he heard Dr. Sanyal, he could frame replies to the questions which Dr. Sanyal would raise—said that Mr. Barada Prosanna Pain was a Caste Hindu representative. I say that Mr. Barada Prosanna Pain under the constitution has no business to function as a Minister because he has no following and no support from the Hindus in the Bengal Legislative Assembly. He has no support from any party whatsoever. He has no support from his constituency, he has no support from the province as a whole. (Dr. NALINAKSHA SANYAL: He is a hireling.)

Sir Nazimuddin declared a year ago that although five Caste Hindus had come, there would be many more surprises and many more would come from the Hindu block to give support to Sir Nazimuddin's Ministry. We have

waited for nearly 14 months. Sir Nazimuddin started with his valiant group of five Caste Hindu deserters and out of these five, two have already disappeared. (A voice from the Opposition benches: Six.) He started with six—I was wondering whether I shall include Mr. Narendra Narayan Chakrabarty as a Caste Hindu in view of the assertion which he made that he felt ashamed to declare himself a Caste Hindu.

Mr. NARENDRA NARAYAN CHAKRABARTY: যে Caste Hinduর মধ্যে আপনি আছেন সে Caste Hinduর মধ্যে আমি থাকতে পারি না ও থাকতে চাই না।
(Cheers from the Coalition benches.)

Dr. SYAMAPRASAD MOOKERJEE: Very good. I am glad that my Muslim friends are cheering a Hindu who gets up and says that he feels ashamed to call himself a Hindu. I make a present of this renegade Hindu to the Muslim League. This is the sordid mentality of my friends to the opposite, but let me come back to Sir Nazimuddin's statement. He claimed that other Hindus would join, but today he is left with his three Ministers and the ex-Caste Hindu Mr. Narendra Narayan Chakrabarty. Mr. Biren Roy who was a Parliamentary Secretary from the Upper House also severed his connection with the Ministry yesterday. This is a point of great constitutional importance, for in a House where the Ministry is selected on the basis of communal representation, you have as your supporters a handful of renegade Hindus who do not enjoy any confidence whatsoever of their colleagues in the House or of their constituency. I remember, Sir, so far as the last Ministry was concerned, how Sir John Herbert and how my friends to the left—about whom I shall have to say a little more some time later—felt greatly perturbed that the Muslim League which was the real representative body of Muslims was sitting in the Opposition; although there were more than 80 Muslims supporting the Government according to them Muslim opinion was practically being ignored. That was the song of Sir John Herbert and that was the song of Messrs. Hendry, Stark & Co. That was the point which they made then with great gusto. To-day Mr. Hendry as the Leader of the European Group seriously gets up and says that on the general issue he has nothing to say against the present Ministry although one particular community in the province is entirely unrepresented in the present Ministry, in the administration of the province, and there are people in the Ministry who do not enjoy an iota of confidence of the community to which they claim to belong.

It is not, Sir, on this general constitutional ground alone that I am supporting this motion of no-confidence. There are special reasons why Mr. Barada Prosanna Pain should be deemed to be a person utterly unfit to remain as a Minister of the Crown. So far as his activities connected with the Howrah Municipality are concerned, I shall not discuss them in detail except to say this that they disclose a state of affairs which brings complete discredit to any civilised administration. We had a discussion about the Howrah Municipality in connection with an adjournment motion only last week and the Leader of the House got up to give a sort of defence which was a very poor performance on the part of Sir Nazimuddin. It was obvious that he was speaking against his will. It was obvious that he was saying things which he was compelled to do because otherwise he felt that his Ministry might break and the so-called Hindu Ministers might withdraw their support from his Ministry. So far as Sir Nazimuddin's remark was concerned, he said that he himself was of the opinion that Mr. Barada Prosanna Pain should resign his Chairmanship but as he refused and the majority of the Commissioners in the Howrah Municipality did not reach that number which under the Bengal Municipal Act would justify the giving effect of the no-confidence motion, he had no option but to take recourse to the Defence of India Rules. Therefore, I say Sir, with full justification we charge Mr. Barada Prosanna Pain with having used his position as a Minister of the Crown——.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am afraid, this comes under the *sub judice* question.

Dr. SAMAPRASAD MOOKERJEE: I have not referred to any *sub judice* point.

Mr. SPEAKER: Please do not refer to any *sub judice* matter.

Dr. SYAMAPRASAD MOOKERJEE: Sir, you know very well that I have barely stated that the Bengal Government applied the Defence of India Rules, but Sir Nazimuddin is so nervous of his misdeeds—as he himself said that home-truth goes deep into one's heart—that he has to get up and take recourse to these false points of orders.

So far as Mr. Barada Prosanna Pain is concerned in connection with his duties as Chairman of the Howrah Municipality, I charge him with having flagrantly abused his position as Minister and with his having made impossible the functioning of a local body over which he would insist on presiding although the majority of its members declared that they had no confidence in him as Chairman. Sir, you may ask how did Mr. Barada Prosanna Pain utilise his position as a Minister so far as his conduct as Chairman was concerned? The answer is simple. The majority of the members of the Howrah Municipality, barring the nominated members and a few elected members, were against Mr. Barada Prosanna Pain. The nominated members—I have it on the authority of at least two members to say—were asked by responsible persons connected with the Government to support Mr. Barada Prosanna Pain, the Minister-Chairman of the Howrah Municipality. That is a conduct which is reprehensible, which is unworthy of any Minister and if a Minister is found to abuse his position as such, then certainly he is a person who should be turned out of his office as Minister. So far as Mr. Barada Prosanna Pain's activities as Chairman, his misdeeds and his malpractices are concerned, I shall not go into them because they are not clearly the subject-matter of detailed discussion in connection with the present motion. But, Sir, let me note very briefly the nature of the charges which have been brought against Mr. Barada Prosanna Pain as a Minister in charge of the Department of Communications and Works.

What is the principal charge against him? He has been charged with corruption. He has been charged with bribery. He has been charged with using his position as a Minister in giving contracts which, to say the least, were totally unworthy of a Minister of the Crown.

Now, Sir, the specific charge which I consider to be the most serious of all is that Mr. Barada Prosanna Pain has been carrying on business in *benami* through certain favoured contractors of his. That charge is being openly brought on the floor of the House and it requires immediate enquiry if Mr. Barada Prosanna Pain's reputation, if any, is to be saved.

Who are these three men? Mr. Pain is busy taking notes. He knows the names of three men. I shall help him. One is (The Hon'ble Mr. BARADA PROSANNA PAIN: Syamaprasad Mookerjee) Mr. K. C. Auddy. Syamaprasad Mookerjee comes to you as a nightmare. I know that very well. As I was saying one is Mr. K. C. Auddy of 16, Anukul Mukherji Road, telephone No. Burrabazar 6559. (A voice from the ministerialist benches: Wife's name?) That Mr Barada Prosanna Pain may ask from you privately and not openly.

Mr. ABDUR RAHMAN SIDDIQI: On a point of order, Sir. Will you allow names to be mentioned?

Mr. SPEAKER: It has got to be allowed because it is alleged that there are *benami* transactions.

Dr. SYAMAPRASAD MOOKERJEE: May I ask Mr. Abdur Rahman Siddiqi to have a little patience and just note these facts for the "*Morning News*" tomorrow.

Next is Sarbamangala Bhandar of 47, Raja Katra; the proprietor of this Bhandar is K. C. Auddy, the same gentleman. Now this Mr. K. C. Auddy, the proprietor of the Sarbamangala Bhandar, was enlisted as a

first class contractor only in April, 1944. He was regarded as one of the 25 or 26 first class Hindu contractors in the whole province. Mr. Pain will be able to correct me if I am wrong as to whether there are 25 or 26 first class contractors in the whole province. The fact remains that Mr. Auddy is one of the first class Hindu contractors taken from the whole of the province. Who is this K. C. Auddy? What previous experience had he as a contractor to be regarded as a first class contractor. Answer nil. He had no experience at all. What is he? A big grocer, a very rich man but having nothing to do so far as contractor's work is concerned Sir Nazimuddin expanded himself as much as he could and he waxed eloquent and said: "Here is Bengal's chance. There are no qualified contractors, and therefore men had to be taken from the streets and turned into contractors overnight." Now, Sir, I would like to know if Mr. K. C. Auddy is one of those men who transformed themselves into contractors overnight.

The next is B. P. Chatterji. He is a second class contractor, one of the friends in the race-course of Mr. Pain, one of his touts. What are his financial resources? What previous qualifications had he for carrying on the work of contractor except the favoured contracts which he got through Mr. Pain in the Howrah Municipality? (Dr. NALINAKSHA SANYAL: He is a pleader of Howrah.) Now, Sir, I am giving these facts and it is now for the Honourable the Leader of the House to go through the records and to satisfy the House that these are persons who were *bona fide* businessmen doing the work of businessmen and also to find out the relationship between Mr. Pain and these contractors. One particular fact which I would like Mr. Pain to answer is how many telephonic conversations Mr. Pain used to have with these three estimable contractors every day. It came on an average to about two each per day. (Khan Bahadur MOHAMMED ALI: What about the contracts for slit trenches?) We are not discussing a motion of no-confidence against the Minister who was in charge of slit trenches or latrines. We are discussing a motion of no-confidence against Mr. Barada Prosanna Pain. Now, Sir, the question which I put to the House is what business has a particular Minister who is in charge of the Communications and Works Department to telephone to individual contractors, to keep himself in constant personal touch with them day in and day out. Who is this K. C. Auddy you may ask? We have not been able to establish any personal close relationship between Mr. Auddy and Mr. Pain. Mr. K. C. Auddy is the same gentleman who has held and is still holding lands purchased with the money of Mr. Pain. One such plot of land was purchased through the Regent Estate and on the 3rd March, 1944, a cheque for Rs. 10,000 being cheque No. BB-344356 drawn on the Imperial Bank of India by Mr. Barada Prosanna Pain was paid to the Regent estate as an advance for purchase of land—land which is being held in the name of Mr. K. C. Auddy, the contractor Mr. Hendry has made his disappearance after making his typed speech, because he knows that so far as the European Bloc is concerned it will follow the present League Ministry like a band of devoted sheep.

Now, Sir, what is this Hon'ble Minister doing? He sends a cheque for Rs. 10,000 to the Regent Estate for purchasing land in the name of Mr. K. C. Auddy. It is a registered document and that document is still with Mr. Barada Prosanna Pain. (A voice from the ministerialist benches: How do you know that?) You will see how I know.

Now, Sir, Mr. Barada Prosanna Pain was eulogised by Khwaja Sir Nazimuddin as the great Minister who for the first time divided contracts between the Hindus and Muslims equitably. No one has raised the question of communal representation in today's debate, and it was just a subtle effort, but not clever at all, on the part of Sir Nazimuddin to bring in this communal question in today's debate. If you look at the contracts given to these three favoured contractors who are alleged to be carrying on business on behalf of Mr. Barada Prosanna Pain, you will find that this Sarbamangala Bhandar, this K. C. Auddy received contracts worth lakhs

of rupees and although in some cases there were allegations made against them by officers, Mr. Pain, the ever-obliging Minister, knew how to deal with such situations.

Now, Sir, a reference has been made to Jiwanram Gangaram, and Mr. Pain has yet to give an answer as to why this particular firm dealing in piece-goods was suddenly turned into big contractors.

He also has been made a first class contractor and he has been given extensive work. He was first given work in connection with the Damodar Embankment repairs. As that was not found to be sufficient, he was given work in connection with Barrackpore military transactions worth 3 to 4 lakhs of rupees. Will Mr. Barada Prosanna Pain dare contradict that there was a report against this particular work given by the Superintending Engineer and the Superintending Engineer was transferred because he was not sufficiently favourable to Jewanram Gangaram, who was flourishing through the grace of Mr. Barada Prosanna Pain? I shall not refer here in detail to the land speculations which have been indulged in by Mr. Pain in the course of the last year. Some of the details from Ghatshila about the purchase of one thousand bighas of land and other works have been undertaken by Mr. Barada Prosanna Pain at Ghatshila have not come in their full details yet. The details which have so far come are sufficient to show that in the course of one year this Hon'ble Minister in charge of Communications has indulged in big land speculations worth several lakhs of rupees. The question arises that the Minister's salary being Rs. 2,500 only, how it is possible for the Hon'ble Minister suddenly to be so rich and wealthy in the course of one year as to become a great land speculator. Mr. Barada Prosanna Pain will take the House into confidence and say that when he received information regarding certain land adjoining the East Indian Railway, he offered to purchase land to the value of Rs 2 lakhs and actually 10 per cent. of the deposit money was forwarded by him but for some reason that transaction could not proceed further.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: How does it all come in?

Dr. SYAMAPRASAD MOOKERJEE: Mr. T. C. Goswami naturally asks how does it all come in. If Mr. Goswami says that he would like to sail in the same boat with Mr. Barada Prosanna Pain with regard to similar other transactions he has simply to turn towards Mr. Barada Prosanna Pain and get a little more inspiration from him.

Now, so far as the Orissa Trunk Road is concerned, why is it that without calling for any tender the contract was given to certain favourite contractors of the Minister? All this trouble has arisen due to the faulty procedure of making the Minister the Chairman of a committee which actually gives out contracts to individual firms. If that system had not been introduced by Mr. Barada Prosanna Pain for the purpose of furthering his personal ends, he would not have been face to face with such great temptations which had been caused during the last one year.

Now, disregarding all rules of the Accountant-General, Bengal, contract was given to a particular member of the Bengal Legislative Assembly, Mr. Abul Fazl, although he did not submit any tender. I ask him to contradict it. Tenders were duly called but Mr. Abul Fazl's firm did not answer to the advertisement and disregarding all the rules of the Accountant-General the contract was given to Mr. Abul Fazl for the purpose of furthering Mr. Pain's personal interests and keeping the party in power.

(The House was then adjourned for 15 minutes for prayer.)

(After adjournment.)

Dr. SYAMAPRASAD MOOKERJEE: Sir——

Mr. SPEAKER: How long you will take, Dr. Mookerjee?

Dr. SYAMAPRASAD MOOKERJEE: I shall finish in 10 minutes, Sir.

The point which I was developing was that Mr. Barada Prosanna Pain has utilised his position as Minister for advancing his own personal and party's ends. So far as my reference to Mr. Abul Fazl was concerned, which I just made before the House was adjourned for prayers, I did not complete it. The real fact is that the person in whose name the contract was issued was the wife of Mr. Abul Fazl.

Now, so far as the railway land is concerned that gives us a clear example of how Mr. Barada Prosanna Pain came to know of information about the improvement of land as a Minister of the province, and attempted to make speculative purchases. But he did not succeed as there was a higher bid from another quarter. He, however, did succeed in another respect, namely, the whole scheme was scotched by Minister, Mr. Pain, when speculator Mr. Pain failed to achieve the object which he had in view. Sir, in the Memoirs and Reflections of the Earl of Oxford and Asquith, Vol. I, page 211, which has just been handed over to me by my friend, Rai Harendra Nath Chaudhuri, there is a remarkable passage narrating the circumstances under which a Minister will cease to have the right to function as such if he proceeds to mix up his personal interests with the discharge of his public functions. And I claim, Sir, that the facts which have been placed before the House go to show that in every one respect Mr. Barada Prosanna Pain stands guilty of the charges referred to under this paragraph. The first is, "Ministers ought not to enter into any transaction whereby their private pecuniary interests might even conceivably come into conflict with public duty. No Minister is justified under any circumstances in using official information—information that is given to him as Minister—for his own private profit or for that of his friends". It will not do for Mr. Barada Prosanna Pain to say that when he was passing this information to certain contractors he was only helping his personal friends. (A VOICE: What is the harm?) (Derisive laughter) Further, "no Minister ought to allow or to put himself in a position to be tempted to use his official influence in support of any scheme or in furtherance of any contract in regard to which he has an undisclosed private interest. And lastly no Minister ought to accept from persons who are in negotiations with or seeking to enter into any contractual or pecuniary relation with the State, any kind of favour". You may ask me: you are referring to these transactions entered into by Mr. Pain during the last one year: what is there to show that Mr. Pain was not drawing on his accumulated balance which had come to him as a result of his active and busy professional career? Now, here, Sir, I ask Mr. Pain to contradict me when I say that for seven years between 1936 and 1943, prior to his appointment as Minister, his own residential house was mortgaged and he was unable to pay up the debt although he received letters from solicitors to redeem the debt. This was carrying an interest of 12 per cent. which he was unable to pay for seven years, and it was only after his appointment as Minister, in about May or June, that this debt outstanding for seven years was paid up. It will not therefore do for Mr. Pain to say that during the last one year he could accumulate through honest means such wealth as would enable him to carry on speculated transaction which I charge him with having done during the last 12 months of his office as Minister. (Dr. NALINAKSHA SANYAL: More during the last seven months.)

What are the issues before the House today? The first issue is that Mr. Barada Prosanna Pain must cease to be a responsible Minister of the Crown. He does not enjoy the confidence of his countrymen. Leave aside the European bloc today, leave the vote to the Hindus and Muslims—Indians, assembled in this House—act up to the demand which has been made very often by Sir Nazimuddin that he does not rest on the support of the Europeans. I ask him, will he dare face a division tonight regarding

the continuance of one of his colleagues, depending on the vote of only the Indian members of the Legislative Assembly? There are ten members belonging to the Opposition who are behind the prison bar. Will you dare allow them to take part in the voting? Whatever the result of the division may be, it is clear that Mr. Pain does not enjoy the confidence of the majority of the Hindu and Muslim members and also of Indian Christians of the Bengal Legislative Assembly.

Now, Sir, Mr. Hendry has referred to the general policy of the present Ministry. I shall not refer to that aspect of the problem today, because my case is that we are dealing with Mr. Barada Prosanna Pain——

Mr. A. F. STARK: What is your policy?

Dr. SYAMAPRASAD MOOKERJEE: I shall tell you presently. And my case is that when an opportunity occurs to the Opposition, we would like to have a frank discussion on the general policy pursued by the entire Ministry, and also to make it clear that there are reasons why the present Ministry has ceased to enjoy the confidence of the majority of Hindus and Muslims of the Province of Bengal. (Mr. KSHETRA NATH SINGHA: Only of the Caste Hindus.) My friend says, only of the Caste Hindus. Today, Sir, even the majority of the Scheduled Caste members are against this Ministry. Let the interrupter have the good sense of counting figures—I do not expect him to count beyond 31—and he will be able to satisfy himself that today the majority of the Scheduled Caste members present in the Bengal Legislative Assembly are against the continuance of the present Ministry.

Sir, Mr. Hendry says his great difficulty is that he does not know what is the policy and programme of the Opposition. Now, may I ask when Mr. Hendry and his party gave their support to the then Opposition in 1943, what evidence did Mr. Hendry receive of their programme or their capacity or willingness to give effect to any well thought-out policy? The only policy and programme of the Opposition in 1943 was to get rid of the Ministry then in office.

Mr. SPEAKER: Dr. Mookerjee, you wanted 10 minutes which you have exceeded.

Dr. SYAMAPRASAD MOOKERJEE: Mr. Suhrawardy who is now a back-bencher in the European bloc or is the power behind the throne, in whichever way you may put it—Mr. Suhrawardy speaking on behalf of the past Opposition made it abundantly clear that it was a religious duty of the Opposition to see the Ministry out of office. That was the policy and that was the programme of the then Opposition and Mr. Hendry and Mr. Stark lent their full support to it.

Mr. A. F. STARK: That is your policy.

Dr. SYAMAPRASAD MOOKERJEE: No, that is not my policy. I am just exposing your hypocrisy and then I shall tell you what our policy and programme is. Mr. Hendry and Mr. Stark then supported the Opposition to see Mr. Fazlul Huq's Ministry ousted from office because Mr. Fazlul Huq's second ministry did not surrender itself to Mr. Hendry and Mr. Stark. That was the policy which the European bloc then supported. Mr. Stark asks repeatedly, what is the policy of the Opposition? I say without hesitation that the policy of the Opposition is to see installed in office ministry which will be strong, efficient and not corrupt: a ministry which will devote itself to the solution of the big economic problems that face the province today: and a ministry which will be devoted to the cause of keeping communal harmony in Bengal and not dividing the Hindus and Muslims, or trying to keep themselves in office by bribing the European bloc or some particular section of them.

Mr. Hendry today comes out with a veiled threat that if this Ministry goes, then the Opposition will not come into power because it has no policy or programme, and section 93 may come; and if it comes it will go on till the end of the war. I do not know when Mr. Hendry has come to know the secrets of Government House. He has yet to disclose the source of his information. Why should there be section 93? If there be a majority who are willing to work to Constitution why should there be section 93 unless Mr. Hendry and Mr. Stark say that there will be section 93 unless Sir Nazimuddin and Company are allowed to remain in office with the support of the European bloc?

Mr. A. F. STARK: Are you willing to work the Constitution?

Dr. SYAMAPRASAD MOOKERJEE: Yes, we are. Sir, it has been suggested that this particular motion has been brought for the purpose of doing away with the Secondary Education Bill. Nothing could be more grossly untrue than that. (Loud noise.) So far as the Secondary Education Bill is concerned, we have not concealed our opinion that this Bill we do not like, but it was we who in 1942 brought a Secondary Education Bill. Will Sir Nazimuddin accept that Bill? We say that if by any chance this Ministry goes out of office and a new Ministry comes, enjoying our support, the Secondary Education Bill will come back before the Legislative Assembly in a way which will command the support of the large majority of Hindus and Muslims of Bengal.

I say this, Sir, that whatever may be the fate of today's no-confidence motion, facts have been placed before the House which go to show that Mr. Barada Prosanna Pain is a totally unworthy and unfit person and anyone who associates with him as a Minister of the Crown brings himself to disgrace. We shall be putting this test today, not only to the European Party but also to our friends in the Coalition Party, as to whether they want to support a renegade from the Hindus who has been disloyal to everything that is sacred and who has prostituted his position as Minister for gaining his personal ends and whether there is any sufficient cause connected with the welfare of the province, why such a Minister must be kept in office by the combined support of some section of the Muslims and the European bloc to my left?

The Hon'ble Mr. BARADA PROSANNA PAIN: Sir, I confess I am somewhat at a disadvantage in replying to the debate on this motion of no-confidence against myself. My difficulty is that I cannot emulate either the language or the methods of the Opposition. Anyway, Sir, I welcome the opportunity which this motion offers of having the vote of the House taken on my conduct, and I welcome the opportunity it offers for a trial of strength with the combined forces of Messrs. Fazlul Huq, Syamaprasad Mookerjee, Shamsuddin Ahmed, Santosh Kumar Basu, Kiran Sankar Roy and Hem Chandra Naskar. That they intended it to be such a trial of strength, is clear from the fact that I have been distinguished from my other colleagues and that this motion was tabled against me alone. There have been other recent trials of strength. Bombs, threats of murder and gushing gestures of friendship and friendliness have all been tried. If this motion succeeds, I go out of office that instant. If it fails and if every allegation which has been made on the floor of the House today is proved to be false, I hope the leaders of the parties who have sponsored it will take the only moral and honourable course open to them to take, viz., to resign their membership of the Assembly. (Rai HARENDRA NATH CHAUDHURI: Oh, oh! What a colossal ignorance of parliamentary procedure.)

Mr. Atul Chandra Sen of Dacca Lakshikanta Cotton Mill fame, who has opened the attack, belongs to the party to which I belonged before April, 1943. I am aware, Sir, that since I rejected his invitation to join the Congress movement of August, 1942, and since I refused to pay him the cash which he wanted in that connection, I forfeited his confidence.

Mr. ATUL CHANDRA SEN: On a personal explanation. It is a damned lie. (Cries of "sit down" "sit down" from Coalition benches.) He is a damned liar.

The Hon'ble Mr. BARADA PROSANNA PAIN: His request was to pass on an initial sum of Rs. 500. This motion reminds me that I have not regained his confidence. Today he has made some charges against me. Charges which a member makes on the floor of the House are privileged. They are not required to be proved, and are therefore easily made. There is no punishment for perjury or libel. If I said here that Mr. Atul Sen last night picked Mr. David Hendry's pocket, I could do so with perfect impunity. The privilege of this House would protect me. Some might believe me, some might not, but the trick will have been done.

Sir, I found in this morning's paper a statement issued by eleven deserters from this party in which they have expressed their desire to dissociate themselves from me in particular. Only last week on the adjournment motion all these eleven persons joined in a vote of confidence in me. What has happened between last week and this week has not been made known to me. What happened probably happened in the dark.

This is the first time during the 14 months of my administration of the Communications and Works Department that charges have been brought against me. I find that Mr. Atul Chandra Sen did not table one single cut motion on my Budget Demand. There was no question of any charges then, because they did not exist. Exigencies of circumstances today demand that some charges should be made, and they have been made. I may at once tell the House that every single allegation which Dr. Syamaprasad Mookerjee has made is false from beginning to end. I have already asked my Chief Minister to have an enquiry into the allegations made by a judicial officer not below the rank of a District Judge.

Before I answer the charges categorically, I shall let honourable members have a general idea of the system which prevails at present about the enlistment of contractors and the disposition of contracts. In this connection, I can do no better than quote from my Budget speech in March last when I said as follows:—

"Government has recently taken upon itself the responsibility for the selection of contractors and distribution of emergent and heavy contracts and has appointed a Board of four to deal with those matters. Of the four, two are Ministers, the other two are the Chief Engineer and the Superintending Engineer concerned. This has been done, because allegations of corruption in the department had become 'hardy annuals' in Budget discussions. This has been done because complaints were being made that every one was not getting a fair deal and that favoured contractors of one community were having the monopoly of all the work. The present method is giving all round satisfaction and every contractor so far selected has been done with the unanimous approval of the Board. I am not ashamed of having done my best to encourage Hindu and Muslim contractors equally and of having introduced the principle that heavy contracts should not be monopolised by any single contractor, but should be distributed amongst as many capable men of all communities as possible. You cannot allow a few contractors to have the monopoly of all your work from year's end to year's end. New men must be brought in. I am happy to be able to state that in all these attempts, I have had nothing but the most loyal and enthusiastic support from both the Chief Engineers."

Those words were listened to without any interruptions and Dr. Sanyal who had tabled a cut motion drawing attention to corruption and maladministration in my department, was not heard to say one single word in support of such an allegation (Dr. NALINAKSHA SANYAL: I had no time. It was guillotined.) That is not true. I remember having definitely made a claim that it proved that there was no corruption or maladministration in

my department. Things today are much the same as they were then, with this exception that the list of contractors was revised at the end of the financial year. Almost all the recommendations of the Superintending Engineers were accepted and the new lists in all the four classes were prepared jointly by the Parlimentary Secretary and the Personal Assistant of the Chief Engineer working together. Some directions were given by the Board and the lists were signed by them and then by Chief Engineer. I have some sample lists with me here and if any of my friends wants to see how this was done, I shall show them to him with the utmost pleasure.

The charges against me are that there has been favouritism and nepotism in the disposition of contracts. Vague charges and allegations have been made about corruption and bribery. Let them put forward one single charge in detail and I shall be able to answer it. I have already said that it is very easy, under the protection this House offers, to make any charges, either general or specific. The specific charges Mr. Sen has put forward are:—

Messrs. Jewanram Gangaram are a favourite firm and have received special treatment on Job MN 8 at Barrackpore. They have also been given some work on the left embankment of Damodar. Well, Sir, Job MN 8 at Barrackpore is divided into three phases. Jewanram Gangaram who are registered first class contractors was at first put on a portion of phase I, but later, the Board replaced them by another firm, because, some American officers wanted them. When phase I was in process of construction, phase II had to be taken in hand, and four firms, two Hindus and two Muhammadans were put on it. Jewanram Gangaram are one of these four firms and they are all still working on phase II. They had tendered for other works including the work of constructing Nissom huts at Khulna, but their tenders were not accepted. They were also one of the 48 firms who were selected for the work on the Damodar Left Embankment, but after about 2½ months or 3 months of work, they were removed by the Board at their own request. It is quite correct to say that I knew them before I became a Minister, but does it take any one any further than that?

The firm of B. P. Chatterjee has also been mentioned and it has been said that he is one of my friends. He is certainly well-known to me though I have not met him for the last four or five months. The allegation of Dr. Mookerjee that I have been in telephonic conversation with the contractor is a piece of falsehood which is characteristic of Dr. Mookerjee alone. He was given some hutting work at Barrackpore on the same rates and terms as others were, and I have the Chief Engineer's word that his work has been quite satisfactory. He too was a contractor on the books of Government.

Mr. Krishna Chandra Addy has been mentioned. There is no doubt that this gentleman is a friend of mine. He is in business, and he got some earthwork contract on the Damodar Embankment along with 47 others. The terms and rates on which he worked are the same as those of the others and several times between now and in January last he asked to be relieved of the work because it was causing him serious loss. We refused to relieve him. Like many other contractors wroking on the Damodar Bund, he made representations for increased rates which the Board rejected. He too was on the register.

If, out of about 200 contractors put on different jobs by the Board, three happen to have been known to me, what would be the inevitable and unavoidable inference therefrom? It is not that they were not on the register of contractors in the department, it is not that they are incompetent or inefficient and it is not that they have received any special favours. They came in just as many others did, and they are doing their bit just as others are doing.

I take it, Sir, that the Opposition claims that the case against me has been reinforced by valuable information obtained from my late Parliamentary Secretary, Mr. Atul Chandra Kumar, whose burning love for his

country did not allow him to continue association with those who do not love their country at all. Since he crossed the floor the other day, he has been at pains to impress on us how invaluable to the Opposition their new ally is, and I believe, it is perhaps temperamental modesty which prevents him from claiming that the inspiration for these no-confidence motions has been derived from him. May I have your leave, Sir, to quote from a letter which Mr. Kumar wrote to me on the 16th of September last?

Mr. ATUL CHANDRA KUMAR: On a point of order, Sir. Mr. Speaker, since my name has been used by the Minister and my function as Parliamentary Secretary has been mentioned, I hope you as custodian of the House will allow me to give a personal explanation.

Mr. SPEAKER: I will see to that.

The Hon'ble Mr. BARADA PROSANNA PAIN: He wrote from 31/2, Harrison Road, which I believe, is where the Palace Hotel is located. The letter was written at 4 a.m. and how deeply Mr. Kumar thought things out before he wrote the letter is indicated in the following sentence: "I awoke at 2-30 this morning and since then was recapitulating the causes that led us to join hands with the League". "If I find that they are really eager to make honourable coalition with Hindus as they stated in their statement, I will, in spite of condemnation from the public and press which is now influenced by another communal organisation and its leader in absence of true leaders of political Bengal, support the Ministry even as an ordinary member without holding office." May I now make another quotation which is somewhat personal? "I do not want to raise any big question as you are more keen on these than I am. I value your friendship. I know how my leader values friendship with you. If one is to make a friend, I do not find a better friend than you. You had occasion to differ from me in official file. But I must admit that the chair of the department is for you. 'The dead department like dying rivers required a dynamic master like you. Had you not been the ablest man, for the purpose of an office of high and responsible position, you could not remain there for a week with the political enemies around you." The last sentence which is a treasure runs thus: "Let the enemies grudge your ability, honesty and sincerity of purpose. The more they will grudge, the more you will prosper."

The only comment I shall make on this letter is that Mr. Kumar's shadow may never grow less!

The Howrah Municipality has lately claimed very large attention in this House. I take it that having failed in the Calcutta Corporation, Dr. Syamaprasad Mookerjee has turned his wistful eyes to Howrah. Ill-informed and malicious criticisms have been made of my administration of the Howrah Municipality, and allegations have been made that I deliberately absorbed 4 bighas of municipal land into my own land, and that I have been guilty of unauthorised expenditure of large sums of money which have resulted in loss and waste of municipal money, and that illegal payments were made under my orders. After these charges were made, as Chairman of the Municipality, I requested Government to cause an immediate enquiry to be made into these allegations. Even then, I consider, I owe it to the House today to give it an idea of the position, so that it might know the kind of mischievous propaganda which is being carried on against me. The allegation about the land is that the municipality had, in 1878, taken lease of 45 bighas of land, that the present measurement of the land is found to be 41 bighas, that I have land on the north of the municipal land and that therefore I must have absorbed 4 bighas of municipal land with my own. I cannot conceive of anything more fantastic than this for reasons I am going to give you just now. I shall give as many as 13 reasons. Firstly, there was Government survey of the land in 1916-17 when it was found that the total area of the land was 41 bighas 3 cottahs 6 chittacks and 15 square feet, and not 45 bighas.

Secondly, the survey record of rights made in 1916-17 also shows 41 bighas 3 cottahs 6 chittacks and not 45 bighas.

Thirdly, in 1929, the Municipal Survey Superintendent surveyed this land and he also found it to be 41 bighas 3 cottahs 6 chittacks and 15 square feet and not 45 bighas.

Fourthly, in 1940, the Municipal Bustee Alignment Overseer verified the land, and he also found the same measurement.

Fifthly, in 1941, a sub-committee of the Municipal Commissioners examining a scheme for development of the area accepted the plan drawn up, showing the total quantity of the land to be 41 bighas 3 cottahs 6 chittacks and 15 square feet and remarked, "We have examined the plan and approve generally of it."

Sixthly, the report of the sub-committee was approved and confirmed by the Commissioners in a meeting on 16th May, 1941.

Seventhly, there existed a 10-foot wide drain between the municipal land and my land, and absorption of municipal land into my land was a physical impossibility.

Eighthly, the land which I purchased in March, 1940, was 6 bighas, and today, on measurement it is found to be a little less than 6 bighas, and not 10 bighas which should have been the case if I had absorbed 4 bighas of municipal land.

Ninthly, the party from whom I purchased, bought it in July, 1939, from Lalit Mohan Roy and others and his document also shows that the area conveyed was 6 bighas.

Tenthly, Lalit Mohan Ray's father purchased it from Panchuram Maiti on the 18th November, 1919, and his document also shows the area of the land conveyed to be 6 bighas only.

Eleventhly, Panchuram Maiti purchased it from one Mr. Fairweather on 22nd September, 1919, and his document also shows that the area conveyed was 6 bighas.

Twelfthly, two suits were instituted against Mr Fairweather in 1911 and 1912 in respect of this land by one Mr Khitindra Nath Tagore, and the plaints, judgments and decrees all show the area of the land to be 6 bighas; Mr. Fairweather won the suits which were No. 866 of 1911 and No. 977 in the court of the Second Munsif of Howrah.

Thirteenthly, Mrs. Fairweather to whom the land originally belonged, had bequeathed it by will to Mr. Fairweather several years ago. This also shows the total quantity of the land to be 6 bighas.

Mr. HARIPADA CHATTOPADHYAY: আপনি দক্ষ lawyer হলেও আপনার মুখের কথাকেই প্রমান বলে মানা চলে না।

The Hon'ble Mr. BARADA PROSANNA PAIN: Sir, allegations have been made today about my administration of the Communications and Works Department of the Government of Bengal. Sir, the gentlemen who were put up to speak on the motion have been briefed very badly because they do not know the facts at all.

In regard to the Damodar Embankment repairs, the work was given to 48 contractors, and everyone of them was made to deposit under my orders a sum of Rs. 2,000 which was to be forfeited in case they failed to do the work satisfactorily and in time, in view of the importance which the military attached to the work.

Sir, allegation was made by Dr. Syamaprasad Mookerjee that some of the contractors were my *benamdars*. Dr. Syamaprasad knows what *benamdar* means. He himself is the *benamdar* of very many institutions and very many persons in Bengal. If any single instance is produced to show that I have any connection or association with any contractor, I shall forthwith ask my Chief Minister to accept my resignation.

Sir, Dr. Nalinaksha Sanyal without whom I am very certain this House will be a better House, alleged that Messrs. Jewanram Gangaram had been given this work in spite of their having not done such work before, and he also asked why this work was given to them. I can only say that the work was given to them because they were found to be big and resourceful contractors; they accepted our terms and the Chief Engineer found their papers irreproachable.

Sir, it has been said that the Superintending Engineer was removed at my instance because he reported against a contractor. This is one more of Dr. Sanyal's falsehoods. The fact is that on my recommendation Mr. Neogi, the Superintending Engineer, has been given a special pay of Rs. 200. I would like to state here that when the Government of India asked me for a Special Officer who could undertake schemes and complete them quickly in connection with post-war reconstruction work, I chose Mr. Neogi, for that post, and I recommended him to the Finance Department for a special pay of Rs. 200.

Sir, a lot of allegations have been hurled against me by Dr. Syamaprasad Mookerjee about land speculation by me. He said that I speculated to the extent of lakhs of rupees in Ghatshila and Calcutta. Sir, in Calcutta I did not acquire one inch of land after I became Minister. Regarding Ghatshila, I paid only an advance of Rs 300 for the purpose of getting a piece of attractive land. That is all. But Dr. Syamaprasad Mookerjee will not hesitate to make allegations, because exigencies of circumstances demand today that he should make them.

Allegations have also been made that I obstructed the Howrah-Amta Railway from acquiring certain land. This is again untrue. When this matter came to my notice, I sent for Colonel Johnson, of Messrs. Martin & Co., Managing Agents of the Howrah-Amta Railway, and I asked him to put up an application for speeding up that land acquisition transaction, and Government asked the matter to be speeded up.

Mr. Dhirendra Nath Dutta made the statement that only particular persons were being favoured with contracts. I owe Mr. Dutta an apology because I could not oblige him by giving a contract on the Gumti Embankment to one of his nominees, who had not the necessary qualifications and who had not even tendered.

Then, Sir, allegations have been made that I spent money to the extent of Rs. 1 lakh of the Howrah Municipality without the sanction of the Commissioners. The House will be surprised to hear that a sum totalling about Rs. 10,000 or Rs. 11,000 was spent on 21 items of work which were later sanctioned by the Commissioners in a meeting. Only three more items totalling a sum of twelve hundred rupees require to be confirmed. Yesterday I got a requisition signed by the majority of Commissioners saying that the resolution might be reopened and revoked so that these gentlemen might show a sum of about Rs. 12,000 about which they could later allege that the Commissioners had not confirmed.

Sir, an allegation has been made that I authorised purchase of bricks at the rate of Rs. 40 when bricks were selling at the rate of Rs. 80 per thousand. I got 1 lakh of bricks at the rate of Rs. 40 when bricks were selling at the rate of Rs. 80 per thousand. If I have done anything wrong by buying this quantity at the rate of Rs. 40, the House surely knows how to judge this act of mine.

Dr. Syamaprasad Mookerjee alleged that I had given a party a cheque for Rs. 10,000. I do not know what he wants to make out of a cheque given by me. However, this is again a false statement, and if Dr. Syamaprasad can prove what he says, I shall hand him over a further cheque for Rs. 10,000 for his "relief" activities.

Khan Bahadur Haji BADI AHMED CHOWDHURY: On a point of order Sir, আমার বোধ হইতেছে খান সাহেব আমিনুদ্দা সাহেবের জ্ঞান নাই, জ্ঞান থাকিলে ঐখানে ঐরূপ জ্ঞা

পশ্চিম দিকে (pointing to Khan Sahib Maulvi Aminulla, who was placed by other members on the floor of the House in a stretcher) পা দিয়া শুইয়া থাকিতেন না।

Mr. SPEAKER: That is no point of order.

The Hon'ble Mr. BARADA PROSANNA PAIN: As regards the allegation against the Chief Engineer about Messrs. Leslie & Co. getting a contract at Khulna, I may state for the information of the House that Mr. Stevens of the Civil Supplies Department was insisting that Nissom huts should be constructed at Khulna as soon as possible and, after receipt of competitive tenders, it was awarded to Leslie & Co. The work was one of a highly technical character and Leslie & Co.'s quotations were lowest of the firms with structural qualifications and experience.

Then, Sir, as regards the contract of construction on Writers' Buildings work it has been said that no tenders were called for and that this work was given to one favourite contractor by Mr. Chambers, the Chief Engineer. Sir, I am really proud to be told that I am such an important person in Writers' Buildings that I hold both the Chief Engineers in the hollow of my palm. When the additional work in Writers' Buildings was decided to be done with hollow bricks, it was given to one Mr. Esan, who holds the only stocks of hollow bricks suitable for walling and roofing in Calcutta and whose work in the Chittagong area was the subject of universal admiration. This work was given to Mr. Esan with the approval of the Board and the concurrence of the Finance Department. It is a very small contract for labour, the materials being supplied departmentally. Then, Sir, as regards the Delta Area work, this work was taken in hand when Mr. Santosh Kumar Basu was the Defence Minister and I have had nothing to do with it. The present Chief Engineer was not in charge at all. He was merely acting as a liaison officer. When this work was done, it was very difficult to get contracts in labour as they had all left Calcutta.

This is the sum total of the Opposition case against me on this motion of no-confidence. Dr. Sanyal was kind enough to say last week that I had forfeited the confidence of the House because I had lost all sense of propriety of debates. I shall not do the House the injustice of saying that it does not know where to look for impropriety of debates. I do not claim, Sir, that in my day-to-day work I did not make any mistakes nor do I claim that I did not, on occasions, yield to the honest pressure of friends. I have the satisfaction, however, of knowing that I enjoy the confidence of those with whom I am associated in my daily work. Here on the materials before you, I shall ask you to judge me as others wish themselves to be judged.

Times without number during the last fourteen months and even today we have been called traitors, renegades and hirelings. I take it that the ordinary dictionary meaning of the word "traitor" is—one who acts disloyally to his country. How, by joining Sir Nazimuddin's cabinet we have acted disloyally to the country, is more than I can see. True, I am not with Mr. Fazlul Huq today. But, is a man to be called a traitor because he is unable to swear eternal allegiance to Mr. Fazlul Huq? One remembers that Mr. C. R. Das had no love lost for Mr. Fazlul Huq. Was Mr. C. R. Das a traitor? Will you tell me, Sir, by what name I shall call a leader who in one night let down a great party which had stuck to him, through good and bad, for sixteen tortuous months. What did he tell his enthusiastic followers at 6-30 p.m. on the 28th of March, 1943, before he went to the Government House? What did he tell them on his return? Did he on his return take any of his expectant followers into confidence and tell them what had happened? Might I here quote from Mr. Fazlul Huq's published letter to Sir John Herbert on the 29th of March:—

"A party meeting is going on and I am being pestered with questions from all sides as to why I signed the letter of resignation and I am being seriously taken to task for letting the party and my colleagues down.

Vigorous speeches are being made that I had betrayed the party and had betrayed my colleagues."

Sir, is a man in Bengal to be called a traitor because he refuses to be led by the nose by Dr. Syamaprasad Mookerjee? Must a Hindu in Bengal be a traitor unless he teaches himself to hate his Muslim brethren and to sing hymns of hate against them from morning till evening? Must a man be a traitor who does not see in his European colleagues nothing but hypocrisy, autocracy, insincerity and all the rest of them? No, Sir, if these are the present-day definitions of a traitor, I would rather be and remain one than be in the company of the fifty odd Hindu patriots on the other side.

We are comforted by the thought that the late Sir Surendra Nath Banerjee was called a traitor, that Mr. Nalini Ranjan Sarker was called a traitor for the best part of five years, that Mr. C. R. Das was called a traitor at Faridpur, and that only the other day, on the floor of this House, Dr. Bidhan Chandra Roy was called a traitor in connection with his Convocation speech.

We have also been called renegades. I suppose by that is meant that we deserted one party and joined another. Did we, I ask, desert Mr. Santosh Kumar Basu's party? Did we not, for the best part of a fortnight, sit day after day at party meetings, and did we not beg of them all to accept Sir Nazimuddin's offer and make a coalition with him? Did we not more than once a day assure Mr. Santosh Kumar Basu that we had no ambitions ourselves, and that Mr. Basu need not have the slightest misgivings in his mind that he would not be our nominee for Cabinet honours? It was only when we failed to carry the party that we tendered our resignations and joined Sir Nazimuddin's party. Was that desertion? Two quotations will suffice to show why we resigned and how our resignations were viewed at the time. In our letter of resignation we said amongst other things: "We feel also that we are falling into the hands of Hindu Mahasabha leaders and are in danger of being completely obliterated."

In his letter of the 23rd April, 1943, forwarding the party resolution, Mr. Santosh Kumar Basu wrote:—

"In sending herewith a copy of the Resolution adopted by the party requesting you to withdraw your letter, dated April 17, 1943, may I add my own earnest request for the withdrawal of your resignation? I trust that our long and intimate association as members of the same party will not have such an unhappy end."

If, in spite of it all, we are called renegades, may I ask what would be the appropriate word for the 22 honourable members in the Basu group who deserted the official Congress and formed their own Parliamentary Party with Mr. Sarat Chandra Bose as their leader? I suppose, in their case, it was patriotism of the burning order, patriotism which is held out to an admiring world as fool-proof, knave-proof and dictionary-proof.

Talking of traitors and renegades, Sir, may I ask what would be the name for him who in November, 1942, resigned his office of Minister against the unanimous decision of the Progressive Coalition Party, who, on one occasion at least, in March, 1943, voted against his own party and who, in February, 1943, when Mr. Fazlul Huq's Coalition Ministry was firmly in the saddle, entered into negotiations with Sir Nazimuddin, Mr. Suhrawardy and others with the object of substituting Mr. Fazlul Huq's Ministry by one in which the Muslim League Party and others were to be represented?

May I also ask who got Mr. Sarat Chandra Bose to sign in jail a nomination paper for the election of Alderman and who, directly he came out of the jail premises, betrayed Mr. Bose and got Mr. Bidhan Chandra Roy elected instead? Verily, Sir, in some quarters what is sauce for the poor gander is not accepted as sauce for the mighty and weighty geese.

May I also ask how you would describe the act of the leader of the Krishak Praja Party in joining the Ministry when his party was in the Opposition?

There remains the other charge that we are hirelings. That was Dr. Sanyal's special charge against us. I admit that we serve His Majesty's Government for wages which we receive from His Majesty's Government and that we hire ourselves in that sense of that word. But what would be the name for those who get wages from the University of Calcutta to call us names, and who, not often without consideration, does most of the talking in a certain place?

I suppose, Sir, that the charge before the country against us today is that we are betraying the Hindus in the matter of the Secondary Education Bill. That charge is based on the assumption that the Bill seeks to benefit the Muslims at the cost of the Hindus. If that is a correct charge, which I submit it is not, then the leader of the Opposition will have to answer the counter-charge that he is betraying the Muslims in the matter of the Secondary Education Bill to satisfy his Hindu followers.

Sir, at public meetings held in Calcutta the other day, Mr. Kiran Sankar Roy, the leader of the Congress Party challenged us to come out and address public meetings. This is exactly what Mr. Kiran Sankar Roy himself was challenged to do in the not very remote past. Mr. Roy, with whom discretion has always been the better part of valour, did not accept these challenges, and yet today Mr. Kiran Sankar Roy is the leader of the official Congress Parliamentary Party in Bengal. I do not grudge him his position. He has worked hard for it. Mr. Sasmal, Mr. Sen Gupta and Mr. Sarat Chandra Bose had all to be fought and manœuvred out. I wish more power to Mr. Kiran Sankar Roy's mighty elbows!

I do not wish, Sir, to prolong this painful controversy. That I do not enjoy the confidence of the Opposition is crystal clear to me. That I do enjoy the confidence of my colleagues is equally clear to me. I am anxious today for the declared confidence of the House. If the verdict of the House is against me, I shall know that I have tried to do my best in my own way and have failed. I shall leave without the slightest trace of bitterness in my heart. If the House stands by me, I shall, as I have always done, try to uphold its prestige and dignity.

Whether I stay or whether I leave, I shall make one appeal to my Hindu brothers and sisters of Bengal. I shall ask them, on my bended knees, not to forget that, in this province, the Hindu, the Muslim and the Christian have to live side by side and have to cultivate each other's goodwill and friendship. You have to have that friendship and goodwill if you want to go forward in this world. Do not listen to those who, for their selfish purposes are taking you on the wrong path. Think for yourselves, judge for yourselves and act for yourselves is my humble appeal to the men and women of Bengal.

I shall conclude with two quotations from speeches delivered on the 9th April, 1941, on an adjournment motion about the recrudescence of rioting in Dacca. Mr. Shamsuddin Ahmed, who is today rubbing shoulders with the Hindu Mahasabha leader, said:—

"Sir, there is another apprehension in the public mind. I say with a great sense of responsibility that although those people who are working as leaders of the Hindu and Mahomedan communities belonging either to the Congress or the Krishal Proja parties may not find any place and may not function in the communal affairs of the province, there are others who are today masquarading as leaders of the Hindu or the Mahomedan community and sowing seeds of communal discord in the minds of the members of both the communities. Sir, I had no mind to bring in the name of any individual person in this debate, but I am sorry to refer to the activities of Dr. Syamaprasad Mookerjee. I know, Sir, what he was

before, but within recent times I find that he has become the leader of the great Hindu community."

Speaking on the same debate the same Mr. A. K. Fazlul Huq, the then Chief Minister said:—

"Sir, when I was a boy at school, I had a class-mate who was responsible for all the disturbances in the class room, but as soon as he committed some offence, he used to shout the loudest in order to show that everybody in the class but himself was in the wrong. This attitude that has been taken up by some of my friends in speaking in support of this motion has reminded me of the case of that old class-mate of mine. For four years, they have been singing that hymn of hate, both against this Ministry and the Muslim community. They have encouraged people to come out and break laws and set not merely law at defiance but, if I may be allowed to quote from a speech delivered by Dr. Syamaprasad Mookerjee, he made peaceful administration in Bengal impossible."

Mr. DHIRENDRA NATH DATTA: Sir, I rise on a point of personal explanation. Mr. Barada Prosanna Pain said that I approached him for a piece of contract. That is not a fact. The real fact is that a young man of Comilla who was an overseer and was the son of an Irrigation overseer was introduced to Mr. Barada Prosanna Pain. I did not know before that his name was enlisted in the list of contractors and that he was given some work in the department. I have got nothing to do with that young man.

Mr. ATUL CHANDRA KUMAR: Sir, I congratulate my friend Mr. Pain for producing the letter, dated the 16th September, written to him in connection with my resignation as Parliamentary Secretary on the issue of release of political prisoners as a passport to the charges brought against him. I congratulate him for using my letter as a certificate.

মাননীয় মন্ত্রী শ্রীযুক্ত বরদা প্রসন্ন পাইন মহাশয় যে পত্রের কথা উল্লেখ করিয়াছেন তাহা ১৬ই সেপ্টেম্বর রাজনৈতিক বন্দীদের মুক্তি প্রশ্ন সম্বন্ধে এবং তখন যে কথা বলিয়াছিলাম——

Mr. SPEAKER: Mr. Kumar, you are not entitled to deliver a speech. You can only say something by way of personal explanation.

Mr. SANTOSH KUMAR BASU: Sir, a reference has been made to his letter and he is explaining the circumstances under which that letter was written.

Mr. SPEAKER: That he can do.

Mr. ATUL CHANDRA KUMAR: It is true that I wrote a letter to the Hon'ble Mr. Pain explaining my position why I wanted to resign my office of Parliamentary Secretary on the 16th September, 1943. Along with that letter I also wrote an official letter of resignation to the Hon'ble the Chief Minister. He was kind enough to allow me to remain neutral and not to take part in voting and my resignation letter was withdrawn. That was on the 16th September, 1943, in connection with adjournment motion regarding release of political prisoners. I congratulate Mr. Pain that he used that letter as a certificate while replying to the charges of no-confidence against him.

Sir, Mr. Pain is under the misapprehension that on account of my resignation from the office of Parliamentary Secretary the no-confidence motions have been tabled against him and perhaps he is also under the misapprehension that the speakers have been briefed by me.

Mr. SPEAKER: This is no personal explanation.

Mr. ATUL CHANDRA KUMAR: I still hold the same opinion as I held on the 16th September as regards my Muslim League friends as I have stated in my statement. I do not deny that. But if Mr. Pain is under the misapprehension that the no-confidence motions were tabled at my

instigation and on account of my resignation, I would ask permission from him that he should either withdraw that or as a gentleman he should allow me to speak and I shall prove to the House that as a gentleman I did not disclose anything if I knew anything. If I am to speak anything, I will speak to him and to the Chief Minister.

Mr. SPEAKER: Mr. Kumar, I think you have finished.

Before I put this motion I would like the honourable members to be in their seats.

The motion of Mr. Atul Chandra Sen that this Assembly expresses its want of confidence in the Hon'ble Mr. Barada Prosanna Pain, Minister in charge of the Department of Communications and Works, was then put and a division taken with the following result:

AYES—106.

Abdul Hafiz, Mr. Mia.
Abdul Hakeem, Mr. (Khulna).
Abdul Kader, Mr. (alias Lal Meah).
Abdul Latif Biswas, Maulvi.
Abdul Majid, Maulvi (Mymensingh).
Abdul Wahab Khan, Khan Bahadur.
Abdul Wahed, Maulvi.
Abdur Razzak, Maulvi.
Abu Hossain Sarkar, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Khan, Mr. Syed.
Anwarul Azim, Khan Bahadur Md.
Asimuddin Ahmed, Mr.
Azhar Ali, Maulvi.
Badi Ahmed Choudhuri, Khan Bahadur Haji.
Badruddoja, Mr. Syed.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. P.
Barat Ali, Mr. Md.
Barma, Mr. Puspajit.
Barman, Mr. Upendra Nath.
Basu, Mr. Jatindra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Chakrabarty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das, Mr. Monmohan.
Das Gupta, Mr. J. M.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Das, Mr. Manmatha Nath
Edbar, Mr. Upendranath.
Fazlul Huq, Mr. A. K.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Golam Sarwar Hosaini, Mr. Shah Syed.
Gupta, Mr. Jogesh Chandra.
Habibullah, Nawab Bahadur K., of Dacca.
Hasan Ali Chowdhury, Mr. Syed.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hatemally Jamadar, Khan Sahib Maulvi.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Khaitan, Mr. Debi Prasad.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Lahiri, Babu Ashutosh.
Mafizuddin Ahmed, Dr. (Bogra).
Mahtab, Maharajadhiraja Bahadur Uday Chand, of Burdwan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Masud Ali Khan Panni, Al-Hadj Maulvi.
Mookerjee, Dr. Syamaprasad.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Solaiman, Khan Bahadur Maulvi.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. H. C
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Mustafa Ali Dewan, Maulvi.
Nandy, Maharaja Srischandra, of Cossimbazar.
Nasker, Mr. Hem Chandra.
Paul, Sir Hari Sanker.
Poddar, Mr. Anandilal.
Pramanik, Mr. Tarinicharan.
Rahman, Khan Bahadur A. M. L.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Dhananjoy.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Manmatha Nath.
Roy, Mr. Patiram.
Roy, Shib Shekhareswar, Kumar.
Sanaullah, Dr.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen, Mr. Dhirendra Nath.
Sen, Jogesh Chandra, Rai Bahadur.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr.
Shamsuddin Ahmed Khondkar, Mr.
Shamsul Huda, Maulana.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Tofel Ahmed Choudhury, Maulvi Haji.
Waliur Rahman, Maulvi.
Yeusuf Mirza.
Zaman, Mr. A. M. A.

NOES—119.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi (Mymensingh).
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Karim, Mr.
Abdul Majid, Mr. Syed (Noakhali).
Abdul Motaleb Malik, Dr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rasohid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahadur Maulvi S. (Howrah).
Abdur Rauf, Khan Bahadur Shah (Rangpur).
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Fazl, Mr. Md.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Masud, Kazi.
Abul Quasem, Maulvi.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Barma, the Hon'ble Mr. Premhari.
Barman, Babu Shyama Prosad.
Biswas, Mr. Rasik Lal.
Chakrabarty, Babu Narendra Narayan.
Chippendale, Mr. J. W.
Corstorphine, Mr. E. E.
Das, Rai Sahib Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Emdadul Haque, Kazi.
Farhad Raza Chowdhury, Mr. M.
Farhut Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D., C.I.E.
Golam Rabbani Ahammad, Maulvi.
Gomes, Mr. R. A.
Goswami, the Hon'ble Mr. Tulsi Chandra.
Griffiths, Mr. C.
Gupta, Mr. J. N.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Khan Sahib Maulvi Md.
Hasina Murshed, Mrs., M.B.E.
Haywood, Mr. Rogers.
Hendry, Mr. David.
Hirtzel, Mr. M. A. F., O.B.E.
Hodge, Mr. H. R.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H., M.B.E.
Jalaluddin Ahmed, the Hon'ble Khan Bahadur Maulvi.
Jasimuddin Ahmed, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
Leisk, Mr. John.
Mafizuddin Ahmed, Khan Sahib Maulvi (Tippera).
Maguire, Mr. L. T.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Mandal, the Hon'ble Mr. Jogendra Nath.
Maniruddin Akhand, Maulvi.
Meihold, Mr. J. H.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Abdul Halim Molla, Mr.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mukerjea, the Hon'ble Mr. Taraknath, M.B.E.
Mullick, Mr. Mukunda Behary.
Mullick, the Hon'ble Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Nooruddin, Mr. K.
Norton, Mr. H. R., M.B.E.
Pain, the Hon'ble Mr. Barada Prasanna.
Powell, Mr. J. A.
Rajibuddin Tarafdar, Maulvi.
Razaur Rahman Khan, Mr.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, the Hon'ble Mr. Khwaja, C.B.E.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Munda.
Smart, Mr. J. N.
Stark, Mr. A. F.
Suhrawardy, the Hon'ble Mr. H. S.
Stevenson, Mr. R. A. H.
Tamizuddin Khan, the Hon'ble Mr.
Thorman, Mr. C. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C., C.I.E.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.
Zilliur Rahman Shah Choudhury, Maulvi.

The Ayes being 106 and the Noes 119, the motion was lost.

Adjournment.

The House was then adjourned at 9-30 p.m. till 4-45 p.m. on Friday, the 23rd June, 1944, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 23rd June, 1944, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. SYED NAUSHER ALI) in the Chair, 13 Hon'ble Ministers and 215 members.

STARRED QUESTIONS

(to which oral answers were given)

Held over list from 26th May, 1944.

Dr. NALINAKSHA SANYAL: Sir, may I know which question we are taking up?

Mr. SPEAKER: Starred question No. 352 held over from the 26th May should have precedence.

Cases of security prisoners for consideration before the Tribunal.

***352. Mr. P. BANERJI:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the number of cases of security prisoners that have so far been placed before the Tribunal for consideration;

(*ii*) the number of cases ordered to be released by the Tribunal;

(*iii*) the number of cases that were not released in spite of the order of the Tribunal;

(*iv*) the number still detained in prison;

(*v*) the number restricted under rule 26 of the Defence of India Rules;

(*vi*) the number of cases where allowance has been refused; and

(*vii*) whether family allowance is being given in every case?

(*b*) If the answer to (*a*) (*vii*) is in the negative, will the Hon'ble Minister be pleased to state the reason for the same?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*) 374.

(*ii*) and (*iii*) I am unable to reply in public interest.

(*iv*) 1,274 on 28th April, 1944.

(*v*) 5,511 on 30th April, 1944.

(*vi*) The number is not readily available, and is indefinite as family allowances are sometimes granted on reconsideration in the light of changed circumstances.

(*vii*) No.

(*b*) Since the formation of the present Ministry the grant of family allowances has been liberalised and they are now more freely granted not only in the case of proved and absolute necessity but, to a reasonable extent also in the cases in which the detention of the prisoner has resulted in a loss of legitimate income to his family and dependants. All cases in which allowance had been previously granted have been reviewed in the light of the more liberalised policy and the abnormal increase in the cost of living.

Subject to the limitation that the allowance should not exceed the prisoner's ascertained pre-arrest income the allowances in appropriate cases have been increased. Suitable allowance has also been sanctioned in a number of cases in which they had previously been refused. Every case, new or old, in which it is proposed to reject the application for grant or enhancement of the family allowance, is submitted to me for orders. The total number of cases reviewed exceeds 1,350.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state up to which date this answer relates?

Khan Bahadur MOHAMMED ALI: There are several portions in this answer, and it has been mentioned that so far as the answer to (*iv*) is concerned it relates up to the 28th April, 1944. So far as the answer to (*v*) is concerned it relates up to 30th April, 1944, and so far as the figure 1,350 is concerned it is, I think, about a month back.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government has any record of persons ordered to be released by the Tribunal before whom cases were placed for consideration?

Khan Bahadur MOHAMMED ALI: Government have the report of the Tribunal.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the Tribunal's recommendations were reviewed by any subsequent machinery set up by Government with a view to ascertaining which portions thereof may be acceptable and which cannot be accepted?

Khan Bahadur MOHAMMED ALI: I have several times stated in reply to questions on the floor of the House about the recommendations of the Tribunal. I have stated that when the recommendations of the Tribunal were received, the previous Ministry was in office; they could not give effect to the recommendations in view of the August disturbances which took place all over the country.

Dr. NALINAKSHA SANYAL: Sir, my question remains unanswered. My last question was whether Government have set up any further machinery to review the recommendations of the Tribunal to enable Government to come to a decision as to how many of the recommendations of the Tribunal Government accept and how many they will reject.

Khan Bahadur MOHAMMED ALI: Government's own Security Advisers are constantly reviewing the cases of security prisoners. In cases where they find releases are necessary releases are made, and where it is necessary to keep them in detention superseding orders are issued.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether it is a fact that the Tribunal's recommendations are further referred to the Police, particularly the Intelligence Branch, with a view to obtaining from them their opinion as to what portions of the Tribunal's recommendations may be accepted?

Khan Bahadur MOHAMMED ALI: As I have already stated the recommendations of the Tribunal are examined by the Security Advisers of Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what are the substantive posts held by the persons who are termed generally in the answer previously given as Security Advisers, as we do not find any such nomenclature or category in the official gazette for any class of Government servants?

Khan Bahadur MOHAMMED ALI: It is not expedient to disclose the names of the Security Advisers.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the offices can be stated, what are the substantive offices held by such alleged Security Advisers?

Khan Bahadur MOHAMMED ALI: No, Sir, it is not in the public interest.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how many persons compose the board of Security Advisers?

Khan Bahadur MOHAMMED ALI: It is not in the public interest to state that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that it is only the person or persons who are primarily responsible for the arrest and detention who compose the board of Security Advisers?

Khan Bahadur MOHAMMED ALI: It is not in the public interest to give a reply to this question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is in a position to state whether in public interest the Government is withholding the information from this House as to how many persons compose the Board of Security Advisers?

Khan Bahadur MOHAMMED ALI: Disclosing that also means disclosing the names and designations of the officers. It is not in the public interest.

Dr. NALINAKSHA SANYAL: I have modified the question. I want to know only the number.

Khan Bahadur MOHAMMED ALI: It is not in the public interest.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state, with regard to answer (*iv*), that is, with reference to the number of cases where allowances have been refused, whether Government maintain any register or any record showing the number of security prisoners, the number amongst them who applied for family allowance, and the number who have actually been granted such allowance?

Khan Bahadur MOHAMMED ALI: Sir, in reply to questions several times on the floor of the House I have stated that there is no consolidated register or list. Each security prisoner has his own file which is reviewed by Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if, in view of the number of questions asked from time to time, Government consider the desirability of maintaining a register of security prisoners from which such information can be readily available?

Khan Bahadur MOHAMMED ALI: All kinds of questions affecting security prisoners are put. It is not possible to have a consolidated register or record.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if there is any index either by way of card index or otherwise maintained for security prisoners indicating the details of files, in outline at least, so that information regarding them can be readily obtained?

Khan Bahadur MOHAMMED ALI: I cannot say if there is anything like card index, but records are kept in the Secretariat separately.

Dr. NALINAKSHA SANYAL: If there are such records, has it not been found possible in these cases to ascertain the number of cases where allowances have been refused?

Khan Bahadur MOHAMMED ALI: It means an expenditure of time and labour which, in the present period of emergency, it is not expedient to undertake.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what are the changed circumstances referred to in answer (*a*)(*vi*)?

Khan Bahadur MOHAMMED ALI: One of the most important changed circumstances is that after the present Ministry came into office they have adopted a more liberal policy regarding the grant of allowances.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the present high cost of living and the corresponding increased expenditure for maintaining one's family is one of the changed circumstances that have been considered?

Khan Bahadur MOHAMMED ALI: Yes, Sir, that was taken into consideration.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if there have been any case or cases in which Government had during the time of high prices prevailing in 1943-44, increased the allowances on the ground of high cost of living?

Khan Bahadur MOHAMMED ALI: Everything was taken into account, and in several cases increments have been granted by the present Ministry.

Dr. NALINAKSHA SANYAL: With reference to answer (*b*), will the Hon'ble Minister be pleased to state what is the machinery set up to ascertain the legitimate income of a security prisoner before his arrest with a view to find out the amount of legitimate allowance that may be granted?

Khan Bahadur MOHAMMED ALI: No separate machinery has been set up. The existing local officers conduct enquiries and their report is taken into consideration for granting allowances.

Dr. NALINAKSHA SANYAL: Is this machinery the same as the machinery of security prisoners' advisers referred to a few minutes ago?

Khan Bahadur MOHAMMED ALI: No, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether in the ascertainment of income considerations other than of economic character are also taken into account, that is to say, if the political views of the person and the nature of his alleged offence or undesirability is one factor in ascertaining the legitimate income?

Khan Bahadur MOHAMMED ALI: No, Sir, political views are not taken into account.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the local police, particularly the Intelligence Branch, is relied upon in ascertaining the income of a security prisoner before arrest?

Khan Bahadur MOHAMMED ALI: Sometimes they are.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what other machinery than the local Intelligence Branch officers are relied upon by Government, as referred to by the term "sometimes" previously answered to?

Khan Bahadur MOHAMMED ALI: The District Magistrate has to report to Government regarding the income of a security prisoner.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what machinery the District Magistrate uses to obtain the information?

Khan Bahadur MOHAMMED ALI: That is entirely at the discretion of the District Magistrate.

Dr. NALINAKSHA SANYAL: With reference to the alleged liberalised policy of which we have heard *ad nauseum*, will the Hon'ble Minister be pleased to state what is the proportion of liberality shown by the present Ministry in increasing the allowances in proportion to the rise in the cost of living index?

Khan Bahadur MOHAMMED ALI: I have not got the statistics before me. I may remind the honourable member that in cases where allowances were granted in 1942, these allowances have been doubled that is, there has been a cent. per cent. increase.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the cost of living index has gone up by 300 per cent. in the minimum and in some cases by 480 per cent. during this period after 1942?

Khan Bahadur MOHAMMED ALI: I am not aware of that fact although personally I am prepared to accept the statement of Dr. Sanyal but at the same time I may state that the income of most of the people of Bengal has not increased in proportion to the rise in the cost of living index.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if in the ascertainment of pre-arrest income the statement of the prisoner himself or of the members of his family is put up before the authority who will finally decide the allowance for examination and consideration along with the report of the local Intelligence Branch or other officers referred to?

Khan Bahadur MOHAMMED ALI: A statement of the members of the family or of the security prisoner himself is taken into account when the recommendation is sent up by the local officer concerned to Government.

Dr. NALINAKSHA SANYAL: May I know whether the statement submitted by the security prisoner or by members of his family has been receiving direct attention of either the Home Minister or of the authority that finally decides upon the grant of such allowance?

Khan Bahadur MOHAMMED ALI: Several petitions have been received by the Home Minister direct and statements of security prisoners are carefully examined by the Government.

Dr. NALINAKSHA SANYAL: With reference to the latter part of answer (*b*), namely, that suitable allowance has also been sanctioned in a number of cases in which they had previously been refused, will the Hon'ble Minister be pleased to state how many have been such cases?

Khan Bahadur MOHAMMED ALI: I cannot give the number off-hand but a very large number of cases which were refused by the past Ministry have received sanction of allowance by this Ministry.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that a large number of applications for allowances by the security prisoners or by their immediate relations and dependants lie pending with the Government and have been pending with the Government for a long time?

Khan Bahadur MOHAMMED ALI: I do not agree with the honourable member that a large number of cases are pending.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he has been able to ascertain since the answer given by him to a similar question a few days ago as to what has happened to the application of Mr. Sachindra Nandy, Headmaster of the Saraswat H. E. School at Nabadwip who is a security prisoner now detained at Dum Dum?

Khan Bahadur MOHAMMED ALI: It will receive the due attention of the Hon'ble the Home Minister, if the honourable member gives due notice to him.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any action has already been taken as an assurance had been given on the floor of this House a few days ago that the matter would be looked into?

Khan Bahadur MOHAMMED ALI: Honourable members opposite kept us so busy that I could not pay any attention to this matter.

Dr. NALINAKSHA SANYAL: With reference to the last figure in the answer, namely, 1,350, will the Hon'ble Minister be pleased to state what proportion this figure indicates of the total number of applicants?

Khan Bahadur MOHAMMED ALI: I am sorry I cannot give the figure offhand.

Mr. ABUL HOSAIN AHMED: With reference to the last portion of the answer (*b*), namely, that every case, new or old, in which it is proposed to reject the application for grant or enhancement of the family allowances, is submitted to me for orders; the total number of cases reviewed exceeds 1,350, will the Hon'ble Minister be pleased to state how many cases have been disposed of and with what result?

Khan Bahadur MOHAMMED ALI: I cannot exactly give the figures regarding the number of cases in which allowances have been sanctioned by the Home Minister but the total number of cases reviewed exceeds 1,350. I am also unable to give the exact proportion of cost on account of allowances that have been granted.

Dr. NALINAKSHA SANYAL: In view of the continued detention of a large number of security prisoners, will the Hon'ble Minister be pleased to state if in examining the applications for family allowance the possibility of a young man earning increased income during the present opportunity for war work and otherwise is also taken into consideration?

Khan Bahadur MOHAMMED ALI: I cannot say that offhand. I will ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the distress and the nature of abject poverty that a family is thrown into as a result of the incarceration of an important earning member of the family is also taken into consideration even apart from the pre-arrest income of the prisoner concerned?

Khan Bahadur MOHAMMED ALI: Yes, very much so. Even if a prisoner had no pre-arrest income, family allowance has been sanctioned on compassionate ground and when it is ascertained that the family is poverty-stricken, more than cent. per cent. increment has been granted.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if this last answer of his modifies the statement made in (*b*) that in no case the allowance should exceed the prisoner's pre-arrest income?

Khan Bahadur MOHAMMED ALI: The idea is not in no case. In exceptional cases, on compassionate ground it has exceeded the pre-arrest income.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is considering the desirability of reviewing the cases of family allowance also in the light of the degree of distress in which the families and dependants may have been thrown into as a result of the continued detention of the members?

Khan Bahadur MOHAMMED ALI: Yes, Sir, that is always taken into consideration by Government.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether it is a fact that a large number of security prisoners were released and family allowances were granted to a larger number by the present Ministry than the previous one?

Khan Bahadur MOHAMMED ALI: The answer is definitely in the affirmative.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us what is the number of prisoners who have been granted allowance since this Ministry has taken office?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us what was the number of prisoners when the Ministry took office?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us how many prisoners have been released after the Ministry had taken office?

Khan Bahadur MOHAMMED ALI: This question does not arise out of this; so, I have not got the figures with me just now, but I may say that the total number of security prisoners released by the present Ministry upto 20th March, 1943, was 521.

Mr. DHIRENDRA NATH DATTA: In view of the answer that has been given and in view of the inability to answer questions that were put by me, how can the Hon'ble Minister say in answer to the question of Mr. Mirza Abdul Hafiz that the answer is in the affirmative?

Khan Bahadur MOHAMMED ALI: I have given the figure upto the 20th March and the number of releases up to that date since the assumption of office by the present Ministry was 521 and there have been releases since then.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us how many prisoners were released by the previous Ministry?

Khan Bahadur MOHAMMED ALI: The number was very much less than 521.

Mr. DHIRENDRA NATH DATTA: I want to know the definite number.

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether these 521 prisoners said to have been released by this Government were released pursuant to the general policy of release dictated by the Government of India?

Khan Bahadur MOHAMMED ALI: No, Sir.

Immersion of images of Hindu deities in Murshidabad.

***435. Mr. SASANKA SEKHAR SANYAL:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(i) that in

(1) Nimtita,

(2) Jagtai,

(3) Aurangabad, and

(4) neighbouring places of Jangipur subdivision of Murshidabad district,

images of Hindu deities (gods and goddesses including Durga) have been lying without immersion ever since 1942;

(*ii*) that the local Muslims objected to the immersion procession being taken out with music before mosque at all hours;

(*iii*) that the local Hindus were and are willing to respect the sentiments of Muslims by agreeing not to play music before mosque during prayer hours; and

(*iv*) that the local Hindus expect in their turn that their right to take out procession with music before mosque, as before any other place, will not be hampered in any way?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the nature and contents of licenses that have been issued by local authorities for such processions of the Hindus during 1942 and 1943;

(*ii*) the steps hitherto taken by Government and now proposed to be taken by Government for getting the immersions effected consistently with the civic and religious rights of the Hindus and with their prestige; and

(*iii*) the action the present Government propose to take with regard to the question of music before mosque?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) and (*ii*) Yes.

(*iii*) No. There appears to be a section of the local Hindu community which insists on the right to take processions past the mosque with music uninterrupted at all times.

(*iv*) Does not arise.

(*b*) (*i*) Extracts from the licenses are laid on the Table.

(*ii*) The matter has been under negotiation for some time and the negotiations are continuing.

(*iii*) The policy of Government in regard to the question of music before mosques is indicated in Government resolution No. 5721P., dated the 5th June, 1926, a copy of which is laid on the Table. Government have no intention of modifying their policy in this matter.

Extracts referred to in reply to clause (b)(i) of starred question No. 435.

COPY OF LICENSE ISSUED IN 1942.

To ... .

Permission is accorded to him for holding the immersion procession of goddess Durga on the 19th October, 1942, on the roads.....subject to the condition that all music must be stopped before all mosques *en route*.

COPY OF LICENSE ISSUED IN 1943.

"To..... .....

Permission is accorded to him for holding the immersion procession of goddess Durga on the 8th October, 1943, on the roads.....subject to the condition that all music or any other noise must be stopped before all mosques *en route*.

50 yards on either side."

Government resolution referred to in reply to clause (b)(iii) of starred question No. 435.

GOVERNMENT OF BENGAL.

Political Department.

Political.

RESOLUTION No. 5721P.

Calcutta, the 5th June, 1926.

It is only in recent years that the controversy about music before mosques has become important in Calcutta. This subject is now attracting a great deal of attention and in fact that it was the immediate occasion of the disturbances in April, 1926. On the 17th May, His Excellency the Governor convened a conference of leaders and endeavoured unsuccessfully to arrive at a conclusion which would be acceptable to both the Hindu and Muhammadan communities. In dissolving the conference His Excellency expressed a hope that the two communities would after mutual discussion be able to agree and inform him of their agreement. This hope has not been fulfilled. In matters of religion Government maintain an attitude of strict neutrality and only intervene when the claims of one community clash with those of another, and when the persistence in mutually incompatible claims threatens to endanger public peace. Such a situation now exists, and it is necessary, therefore, for the Government of Bengal to announce, with as much detail as the circumstances of the case permit, the nature of the orders which will hereafter be enforced in Calcutta in this respect.

2. The authority of the Commissioner of Police for regulating music at processions in Calcutta is derived from two sections of the Calcutta Police Act, 1866, viz., 62, 62A, and there is a distinction between the nature of his powers under these two sections. Section 62 authorises the Commissioner of Police to make rules on the subject. These rules require the previous sanction of Government and they must be published for criticism before they are finally issued. The general conditions which are prescribed in the printed license issued by the Commissioner of Police are in accordance with the terms of these statutory rules, and the conditions relating to the subject of music are as follows:—"All music shall cease in the neighbourhood of hospitals and all churches, mosques, temples or other places of worship during the time of public worship." The rules at present in force under section 62 were published by the Commissioner of Police in a notification, dated the 2nd March, 1922, with the previous sanction of Government and the conditions which appear on the license form for processions are embodied in these rules. They were published for public criticism in the Gazette of 4th January, 1922, and no objection or criticism was received. The occasion for republishing the rules in 1922 was a general revision and a consolidation of rules under section 62. At that time the rules relating to music at processions were not a subject of special consideration and in fact no alteration was made in the rules on this subject existing at the time, which had been similarly notified on the 31st December, 1911, after approval by Government and after previous publication for criticism on the 18th October, 1911. On that occasion also no criticism was received. In 1904, the Commissioner of Police had submitted rules containing the same condition about music with the remark that this and the other conditions had been entered in the licenses for many years, but that it had been noticed that sanction of Government had not been obtained. In 1905 the conditions were sanctioned by Government.

3. The Commissioner of Police has further powers under section 62A. Under that section the Commissioner and, subject to his orders, every police officer of rank not inferior to that of Sub-Inspector, may give all such directions, either orally or in writing, as he may consider necessary for certain

purposes which include the securing of the orderly conduct of persons constituting processions and the regulation and control of music. Two conditions are attached to the exercise of these powers. They must be exercised with a view to securing the public safety or convenience, and the orders issued must not contravene any rule made under section 62 or the provisions of any license granted under such a rule. Therefore in no circumstances may the Commissioner or one of his subordinate officers permit the playing of music near a place of worship during the time of public worship because this would be in contravention of the condition in the license quoted above, but at all times they have the fullest discretion to impose any restriction with a view to securing the public safety and convenience.

4. It was arranged at the Conference on the 17th May that written statements regarding the personal experiences of those who are acquainted with this subject should be received and considered by Government. A large number of statements has been received, and they have been carefully considered. The Hindu community claim that music is an essential part of their religious observances and is therefore a necessary feature at all their religious processions. They have claimed the right and asserted the practice of playing music before mosques without hindrance at all hours of the day. The Muhammadan community consider that music disturbs the devotions of those who are at prayer in mosques, and they claim the right and assert the practice of the stoppage of music before mosques at all hours of the day, and not only on the occasions of public worship. There is, therefore, a definite conflict of statements as to the actual practice in the past, and it is clear to Government that this conflict is largely due to the fact that until very recently the subject has not attracted much attention in Calcutta and the two communities have generally been prepared to accommodate one another. These conditions no longer prevail and circumstances have arisen which make it necessary for Government in fulfilment of their responsibility for the preservation of the peace to arrange for a clearer definition of the instructions which will in future be observed by those conducting processions in Calcutta.

5. The terms of the license will remain unaltered, but in order to prevent uncertainty, it will be necessary in all doubtful cases for the Commissioner of Police to ascertain and lay down for the guidance of those conducting the procession what are the hours of public worship. Government interpret the words "public worship" as meaning "recognised congregational worship" and are not prepared to admit a claim which has been put forward that the time of public worship extends throughout the day. In the case of mosques the hours of the five recognised Muhammadan prayers will be specified. In other respects the Commissioner will, according to law, be guided by the requirements of the public peace and convenience with due regard to established practice in all cases. It has not been established to the satisfaction of Government that the general practice has gone beyond the terms of the license. At the same time the Commissioner of Police will retain the fullest discretion to secure compliance with such orders as he may give in accordance with law. If, however, a particular procession exercises its privileges in a manner which is calculated to give offence, that procession and others will incur the risk of having privileges curtailed in future. On the other hand, Government do not intend that such restrictions as may be imposed on those conducting Hindu processions shall be extended on account of the demand made by Muhammadans for the imposition of further restrictions.

6. Government have given special consideration to the case of the Nakhoda mosque in Chitpore Road, and have decided that in consequence of its size, importance and situation, an exception to the general rule will be made in the case of this mosque, and that all processions passing it at any time of the day will, when doing so, be required to stop their music.

7. These orders relate only to Calcutta: in other places different conditions have resulted in the establishment of different practices and such practices will not be modified as a result of these orders.

8. The existence of this dissension is a matter of serious concern to the Government of Bengal: it is in their opinion damaging to the reputation of the people of Calcutta for good citizenship, and it is the earnest wish of His Excellency in Council that at an early date the two communities will shew greater readiness to meet one another's wishes and will thereby restore the amicable relations which until quite recently have subsisted between them.

ORDER.—Ordered that a copy of this resolution be forwarded to the Commissioner of Police, Calcutta, for information.

Ordered also that the resolution be published in the *Calcutta Gazette*, for general information.

By order of the Governor in Council,

L. BIRLEY,

Chief Secretary to the Government of Bengal.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state what is the source of his information that a section of the local Hindus insisted upon passing procession at all hours of the day?

Khan Bahadur MOHAMMED ALI: The information is based on the petition submitted by the local people there.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that during the last Durga Puja there was a conference which one Parliamentary Secretary attended and in which the local officers were also present in which the local Hindus made it perfectly clear that in order to maintain good relations between the two communities they were prepared not to play music at the scheduled prayer hour and that in return they wanted that the procession should be allowed to pass with music at any time other than the prayer hour.

Khan Bahadur MOHAMMED ALI: That was later development when the two Parliamentary Secretaries visited Nimtita, but I am talking of the petition submitted prior to the holding of the mass meeting or conference. At that time the local Hindus objected to the stopping of music even during prayer hours.

Mr. SASANKA SEKHAR SANYAL: In view of the last answer may I enquire what steps have been taken by Government in order to see that procession with music passes at times other than the scheduled prayer hour?

Khan Bahadur MOHAMMED ALI: Sir, the matter is now being negotiated with the representatives of the two communities in the locality.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state what is the nature of the negotiations and what are the steps taken by Government to see that the negotiations come to a desirable end?

Khan Bahadur MOHAMMED ALI: I believe the District Magistrate has called for a conference which is likely to take place probably by the end of this month.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that even in the past the advances that were made by the District Magistrate were negatived by the local Subdivisional Officer against whom there is a disaffection in the locality?

Khan Bahadur MOHAMMED ALI: No.

Mr. SASANKA SEKHAR SANYAL: Is the Government considering the desirability of sending either a Minister or a Parliamentary Secretary to see that the negotiations which are alleged to have started are brought to a successful termination?

Khan Bahadur MOHAMMED ALI: The Chief Minister is very anxious to settle this dispute. He did send two Parliamentary Secretaries. So far the negotiations have not been successful, but the Chief Minister will make an attempt to see that this dispute is settled once for all.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister consider the desirability of sending either himself or his Parliamentary Secretary at a near future date, so that things that are pending there for a long time may be disposed of early?

Khan Bahadur MOHAMMED ALI: I have already stated that the Chief Minister is making all efforts to settle the dispute. Once a conference was called in Writers' Buildings in which the honourable member who put this question was present.

Mr. SASANKA SEKHAR SANYAL: What was the time when that conference was called? Was it a year ago?

Khan Bahadur MOHAMMED ALI: It may be so. I cannot exactly say what time it was.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*)(*3*) is it the information of Government that the local Hindu community or any section of them now at the present moment insist on the right or the privilege to take the procession past mosques with music uninterrupted at all times?

Khan Bahadur MOHAMMED ALI: No, Sir. The latest information is that they do not insist on that right now.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government is considering the desirability of applying the same principles as are applied to processions before mosques with music at various times, prayer time and otherwise, as is the practice in other parts of Bengal?

Khan Bahadur MOHAMMED ALI: Sir, Government policy has been outlined in the notification which has been appended to the answer but local customs and usages have to be taken into consideration before Government give out licences.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the notification of 1926 has been interpreted by contending parties in such a manner as has led to a considerable difference of opinion at different places including Kishoreganj and elsewhere.

Khan Bahadur MOHAMMED ALI: They have got the right to appeal to Magistrates or Commissioners and then ultimately to Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether in this particular case any appeal was made to the Magistrate and to the Commissioner as also to the Government?

Khan Bahadur MOHAMMED ALI: Yes. In this case an appeal was made to the District Magistrate and also to Government in the case of Nimtita.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have come to any decision or have given any decision on the petitions made to them?

Khan Bahadur MOHAMMED ALI: No, Sir. I might also make it clear that they have not appealed against the decision of the local officer. They have appealed to Government to see that the matter is settled.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the decision of the Government, if any, has been communicated to the petitioners?

Khan Bahadur MOHAMMED ALI: I have already stated that negotiations are taking place. So the question of decision does not arise at this stage.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what action Government have taken, the Chief Minister has taken, or the Commissioner of the Division has taken to whom the petitions have been made in this regard?

Khan Bahadur MOHAMMED ALI: The Chief Minister asked the petitioners to come and see him at a conference. That was done. The Chief Minister is making all possible efforts to see that the matter is amicably settled between the two communities.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what Government propose to do in case for some reason which need not better be disclosed or discussed there is no amicable settlement possible?

Khan Bahadur MOHAMMED ALI: That question will arise if amicable settlement fails; but efforts are now being made for an amicable settlement honourable to all concerned.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what difficulty or objection can there be to a settlement under which processions may be taken out with music at hours other than prayer time as may be decided by the Government in their wisdom and fixed by the Government in consultation with local officials?

Khan Bahadur MOHAMMED ALI: Government is most anxious that in such matters the feelings and sentiments of both parties should be respected and Government is therefore anxious to see that an amicable settlement honourable to both parties is arrived at.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether it is a fact that the feelings of the Hindu community have been and are still continuing to be very wounded and no regard is being given to these feelings so far in regard to this matter?

Khan Bahadur MOHAMMED ALI: No, that is not correct. Government respect the legitimate feelings of Hindus and Muslims.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what action has been taken by Government from 1942 up till today to see that the legitimate grievances and feelings of the Hindus in this respect are respected?

Khan Bahadur MOHAMMED ALI: I cannot say what action Government took in 1942. The dispute first arose in 1942 when the last Ministry was in office. The present Ministry cannot say what was the attitude of the last Ministry. After this Ministry assumed office, the Chief Minister is making a very sincere attempt to see that an amicable settlement is arrived at by means of which both the communities may be satisfied.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how long Government will wait to see that an amicable settlement is made between the parties and how long will he continue to wound the feelings of the Hindus by detaining the deities unimmersed?

Khan Bahadur MOHAMMED ALI: Sir, I have already stated in reply to a qustion put by Mr. Sasanka Sekhar Sanyal that the District Magistrate has called for a conference to take place some time towards the end of this month and this shows that efforts are being made even now to settle the dispute.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any time-limit has been given to the District Magistrate to bring about a settlement or to come to a decision on this question, so that the deities may be immersed at least by the middle of the next month at the latest?

Khan Bahadur MOHAMMED ALI: No time-limit is given but the immersion was held up purely voluntarily, because in the year 1941-42 procession was taken out without music. (Mr. Sasanka Sekhar Sanyal: Not 1941 and 1942, but only 1940.) It may be in 1940 and 1941, but for two years procession was taken out without music and dispute arose in the third year. The same thing could have been done last year also pending the disposal of this dispute without prejudice to any party.

Mr. SASANKA SEKHAR SANYAL: In view of the statement made by the Parliamentary Secretary that the District Magistrate called for a conference and I say that it is a fact (Khan Bahadur MOHAMMED ALI: I always state facts), will the Hon'ble Minister be pleased to consider the desirability of sending down to the District Magistrate copies of today's interpellations, so that he may be helped in the matter, because all these answers will give an indication of the Government policy and attitude of the Ministry?

Khan Bahadur MOHAMMED ALI: The District Magistrate is aware of the policy of the Government in this matter, and I do not know how sending copies of today's interpellations will help him.

Mr. SASANKA SEKHAR SANYAL: In view of the importance of the question and the attitude of the Hon'ble Minister in today's answers, will the Hon'ble Minister be pleased to consider the desirability of sending down copies of questions and answers so that the District Magistrate may be helped and guided in the conference?

Khan Bahadur MOHAMMED ALI: That is a request for action. Government will have no objection to take action if the honourable member would write to them in this matter

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is considering the desirability of sending one of the Parliamentary Secretaries, particularly the Parliamentary Secretary who appears to have studied the question a little bit, to that conference to assist the local officials and the public to come to a settlement?

Khan Bahadur MOHAMMED ALI: I may tell the honourable member that as a matter of fact it was settled that I would go to the place but unfortunately on account of pressing engagements here I was unable to go. Two Parliamentary Secretaries, however, went there and I do not know if it will be possible for me personally to go, but I shall try to go if the honourable member promises to help me in arriving at a settlement of the dispute.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that so far as the members of the Legislature representing the towns and rural areas of Murshidabad are concerned—Hindus and Muslims—they are very anxious to bring about a settlement and, as a matter of fact, they met in the room of the Hon'ble Chief Minister with that end in view?

Khan Bahadur MOHAMMED ALI: Yes, Sir. All representatives both Hindus and Muslims coming from that area are most anxious for a settlement.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state who have been invited to the conference?

Khan Bahadur MOHAMMED ALI: I want notice. But I know that Mr. Sasanka Sekhar Sanyal has admitted that he has been invited and Mr. Farhad Raza Chowdhury has also been invited. I cannot give the names of other invitees.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why there is difference in the language of the copy of the licence issued in 1943 from that of the licence issued in 1942, wherein the words "music and other noise" have been mentioned before all mosques en route at all times?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that in addition to this condition of stoppage of music at all times the local Subdivisional Officer required that no procession even under these conditions could be taken if the Muslim community objected to the same?

Khan Bahadur MOHAMMED ALI: No, Sir, that was not included in the licence and that was with regard to Bansabati.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that even in this case verbal instructions were issued on the same lines as were given in the case of Bansabati?

Khan Bahadur MOHAMMED ALI: Government are not aware of it.

(The House was then adjourned for 15 minutes for prayer.)

(After adjournment.)

Assault on security prisoners in Presidency Jail.

***439. Mr. SIBNATH BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether it is a fact—

(*i*) that there was an assault on security prisoners in the Presidency Jail by Jail staff and ordinary prisoners on the 25th April, 1943;

(*ii*) that as a result 9 security prisoners received grievous hurt and 20 more security prisoners received various injuries;

(*iii*) that Sreejut Satyesh Bhattacharjee, then an under-trial prisoner (now a security prisoner) in Presidency Jail, instituted a case in the Court of the Chief Presidency Magistrate, on the 28th April, 1943, for redressing the wrong done to them by the assault by the Jail staff on the 25th April, 1943;

(*iv*) that on the 6th May, 1943, Sreejut Abinaswar Misra, then an under-trial prisoner (now a security prisoner) in Presidency Jail, instituted another case regarding the same incident in the Court of the Chief Presidency Magistrate, Calcutta;

(*v*) that on the 6th May, 1943, another complaint was filed on the same incident by Sreejuts Anil Ghosh and Usha Ranjan Roy, two security prisoners in the Presidency Jail, through the Jail officials in the presence of Rai Bahadur J. Bhattacharjee, Deputy Commissioner, Special Branch, and Mr. J. C. Gupta, M.L.A., Barrister-at-Law; and

(*vi*) that the Chief Presidency Magistrate was reminded of all these three petitions of complaint when he visited the Jail on the 21st May, 1943?

(*b*) Will the Hon'ble Minister be pleased to state whether sanction has been given for prosecuting the Jail officials?

(v) If the answer to (b) is in the negative, will the Hon'ble Minister be pleased to state—

(i) the reason therefor; and

(ii) whether it is in the contemplation of the Government to start their trial?

(d) Is it a fact that the following papers were handed over to the Chief Presidency Magistrate on the 28th May, 1943, while he was holding his Court in Presidency Jail, namely:—

(i) a duplicate copy of the petition of complaint referred to in (a) (v) with additional prayer for starting a Contempt of Court proceedings against the Jail officials, if the original had been withheld by them; and

(ii) a duplicate copy of the petition to the Chief Presidency Magistrate by Sreejut Nishitha Nath Kundu, M.L.A., sent on the 7th April, 1943, and a petition under section 2 of Contempt of Courts Act, 1926?

(e) Will the Hon'ble Minister be pleased to state what action or actions, if any, has or have been taken regarding the respective petitions mentioned above?

(f) If no action has been taken, will the Hon'ble Minister be pleased to state the reasons thereof?

Khan Bahadur MOHAMMED ALI (on behalf of the Hon'ble Khwaja Sir Nazimuddin:) (a) (i) and (ii) Yes; but the injuries were not serious.

(iii), (v) and (vi) Yes.

(iv) A petition was received by the Chief Presidency Magistrate.

(b) No.

(c) (i) and (ii) The Chief Presidency Magistrate was furnished with a report of enquiry on the incident instituted by Government but it did not appear to him that there was any *prima facie* case of any kind against any of the Jail staff, who only intervened to restore order when the security prisoners and other convicts fell out and engaged in a free fight.

(d) Petitions from security prisoners Babus Abinaswar Misra, Anil Ghosh and Usha Ranjan Roy were received by the Chief Presidency Magistrate but these contained requests that steps should be taken to see that security prisoners should not be open to "assault" in future. These were not petitions of complaint in the sense in which that expression is used legally. No action was taken by the Chief Presidency Magistrate on these petitions. The specific petition of complaint from Mr. Kundu was dismissed by the Chief Presidency Magistrate, under section 203, Cr. P. C., and it is reported that Mr. Kundu moved the High Court against the order.

(e) and (f) Do not arise.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister please tell the House what was the nature of the injuries?

Khan Bahadur MOHAMMED ALI: To give details regarding nature of injuries I ask for notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether the persons injured were sent to the Jail hospital for treatment?

Khan Bahadur MOHAMMED ALI: Yes, Sir.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether there was any medical report as to their injuries?

Khan Bahadur MOHAMMED ALI: Yes, Sir.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state what was the medical report as to their injury?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state if it is a fact that two, if not three, of these prisoners were removed at midnight to Calcutta hospital as the injuries were very serious?

Khan Bahadur MOHAMMED ALI: I ask for notice, but as far as I know one prisoner was removed to hospital.

Mr. JOGESH CHANDRA GUPTA: In view of the fact that this treatment could not be given in the jail hospital, will the Hon'ble Minister be pleased to state how was it that he stated that the injuries were not serious?

Khan Bahadur MOHAMMED ALI: They were discharged from the Medical College hospital within a short time and so I concluded that the injuries were not serious.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether one of the security prisoners concerned was unconscious as a result of beating?

Khan Bahadur MOHAMMED ALI: I do not know if he was unconscious. One prisoner had some injuries and fell down. He did not recover immediately and therefore all due medical attention was given to him and he was also removed to hospital. After receiving medical assistance he was discharged.

Mr. ATUL KRISHNA GHOSE: With reference to the reply to (*c*)(*i*) and (*ii*), will the Hon'ble Minister be pleased to state who made these enquiries and what was the report of that enquiry that was placed before the Chief Presidency Magistrate?

Khan Bahadur MOHAMMED ALI: I want notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether the prisoner, Usharanjan, fell unconscious and was removed to the Medical College Hospital at 1 a.m.?

Khan Bahadur MOHAMMED ALI: I cannot exactly remember the name of the security prisoner who was sent to the Medical College Hospital but one was sent. I do not know his name.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state how long Usharanjan Roy was kept in the Medical College Hospital and how many days after he was removed therefrom?

Khan Bahadur MOHAMMED ALI: As I have already stated, I cannot remember the name of the security prisoner who was sent to the Medical College Hospital and therefore it will not be possible for me to say whether it was Usharanjan or not. But I know that one security prisoner was sent to the Medical College Hospital, received first aid there and was discharged.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state how many security prisoners were sent to the Medical College Hospital and for how many days they were kept there for their treatment and what is the largest number of days that a prisoner was kept there?

Khan Bahadur MOHAMMED ALI: I know definitely that one security prisoner was sent to the Medical College Hospital, and as far as I can remember only one prisoner was sent there.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether it is a fact that although these prisoners were required to

be kept in the Medical College Hospital for more than 21 days, only to avoid the charge of grievous hurt they were brought back from the Medical College Hospital after 18 days?

Khan Bahadur MOHAMMED ALI: No, Sir. It was considered by the medical authorities that they were no longer required to be kept in the Hospital and accordingly they were discharged, and as far as I can remember they were detained for two or three days.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state if it is a fact that although general patients are discharged at 11 a.m., in the case of Usharanjan in order to avoid the charge of grievous hurt he was discharged at 9 p.m.?

Khan Bahadur MOHAMMED ALI: I cannot exactly say when he was discharged from the Medical College Hospital.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to consider the desirability of making an enquiry as to whether it is a fact that although these patients required treatment for more than 21 days, simply to avoid the charge of grievous hurt they were discharged only after a few days?

Khan Bahadur MOHAMMED ALI: That is absolutely incorrect.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister consider the desirability of placing on the table a copy of the report submitted by the surgeon or surgeons who attended the prisoner at the Medical College Hospital?

Khan Bahadur MOHAMMED ALI: If the honourable member will give a fresh notice, he will have an answer.

Mr. DHIRENDRA NATH DATTA: With reference to question (*c*)(*i*), will the Hon'ble Minister be pleased to state who enquired into the incident?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state when the enquiry was ordered?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us whether any witnesses were examined in the course of the enquiry?

Khan Bahadur MOHAMMED ALI: I cannot definitely say whether any witnesses were examined, but when an enquiry is conducted it means that witnesses have to be examined.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to lay on the table the report of the enquiry that was placed before the Chief Presidency Magistrate?

Khan Bahadur MOHAMMED ALI: It is not in the public interest to furnish a copy of the report to the honourable members.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether the report of that enquiry was shown to the prisoners concerned before it was placed before the Chief Presidency Magistrate?

Khan Bahadur MOHAMMED ALI: I ask for notice.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state why did the Government go out of their way to send the report of the enquiry instituted by Government to the Chief Presidency Magistrate?

Khan Bahadur MOHAMMED ALI: Because when an incident takes place Government has to conduct an enquiry and get a report and in this case the report was sent to the Chief Presidency Magistrate in connection with the petition submitted by the security prisoners.

Mr. SURENDRA NATH BISWAS: Did the Chief Presidency Magistrate want a report from the Government or the Government voluntarily submitted the report to the Chief Presidency Magistrate? Whose duty was it to hold a judicial enquiry?

Khan Bahadur MOHAMMED ALI: I want notice. I believe the Chief Presidency Magistrate got it when he visited the Presidency Jail and met the security prisoners.

Mr. ATUL KRISHNA GHOSE: With reference to reply (*d*), where the Hon'ble Minister states: these were not petitions of complaint in the sense in which that expression is used legally, will the Hon'ble Minister be pleased to state after having this information that it was not legally and technically quite right, what action did his department take in the matter?

Khan Bahadur MOHAMMED ALI: I could not follow the honourable member what he means by the expression "legally and technically".

Mr. ATUL KRISHNA GHOSE: In the reply, it is stated, "These were not petitions of complaint in the sense in which that expression is used legally". Here it appears that the Hon'ble Minister wants to avoid that the prisoner was legally correct and that is why no step was taken. Will the Hon'ble Minister be pleased to state what steps the department took after knowing all these facts though these facts were legally submitted to the local court?

Khan Bahadur MOHAMMED ALI: What is stated here is that they were not actual complaints in the sense of complaints against any assault. What the security prisoner here wanted to ensure was that there should be no recurrence of such incidents. That is why the word "legal" is used. They were not petitions of complaint but one containing some request to the Chief Presidency Magistrate. So far as the other petition of Mr. Kundu is concerned, the Chief Presidency Magistrate went into that petition and dismissed it under section 203 of the Criminal Procedure Code.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government took any steps to ensure that the security prisoners should not be open to assault in future?

Khan Bahadur MOHAMMED ALI: Government do not admit that the security prisoners were assaulted and so the question that such assault should not take place in future does not arise.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state who conducted the enquiry on behalf of Government?

Khan Bahadur MOHAMMED ALI: That question has already been put to me and I asked for notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether the Chief Presidency Magistrate did call for any evidence or acted on his own intiative?

Khan Bahadur MOHAMMED ALI: I want notice.

Mr. SURENDRA NATH BISWAS: In view of the answer to (*c*)(*i*) and (*ii*) where the Hon'ble Minister has stated that the whole staff intervened to restore order when the security prisoners and other convicts fell out, how is it that the Hon'ble Minister now states that the security prisoners were not assaulted?

Khan Bahadur MOHAMMED ALI: The security prisoners were not assaulted by the Jail staff. There was a fight between the ordinary convicts and the security prisoners inside the jail.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it is not the duty of Government to give protection to these prisoners when such a prisoner is assaulted by another prisoner?

Khan Bahadur MOHAMMED ALI: That is exactly the reason why the jail staff intervened to prevent the disturbance.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether the security prisoners in question were interrogated and asked to place their case when the enquiry was conducted?

Khan Bahadur MOHAMMED ALI: Yes.

Enquiry regarding certain Short Notice Questions.

Dr. NALINAKSHA SANYAL: Before the question time is over, Sir, may I ask what has happened to a large number of short-notice questions regarding the Publicity Department and regarding the lady employees of the Controller of Rationing Office?

Mr. JOCESH CHANDRA GUPTA: Sir, I also gave notice of a similar short-notice question——

Khan Bahadur MOHAMMED ALI: On a point of information, Sir. Have you declared that the question time is over.

Mr. SPEAKER: Not yet. Question time over.

No-confidence motion.

Mr. CHARU CHANDRA ROY: Mr. Speaker, Sir, I beg leave of the House to move my motion which I tabled this morning. The motion runs thus: This Assembly expresses its want of confidence in the Hon'ble Mr. Tarak Nath Mukerjea, Minister in charge of the Revenue Department.

Maulvi AZHAR ALI: Sir, I beg leave of the House——

Mr. SPEAKER: You gave notice of an absolutely identical motion.

Mr. JOCESH CHANDRA GUPTA: This is not an identical motion.

Mr. SPEAKER: I think this is absolutely identical. I have got two motions against the same Hon'ble Minister. One was given notice of by Mr. Charu Chandra Roy and the other by Mr. Azhar Ali. Therefore, if one is moved that will be quite enough.

Maulvi AZHAR ALI: In case the first mover does not come so I move my motion.

Mr. SPEAKER: That is all right. You want also leave of the House?

Maulvi AZHAR ALI: Yes, Sir. I beg leave of the House to move that this Assembly expresses its want of confidence in the Hon'ble Mr. Tarak Nath Mukerjea, Minister in charge of Revenue Department.

Point of Order.

Mr. FAZLUR RAHMAN: On a point of order, Sir. As these no-confidence motions are abuse of the procedure rules of the House, I think you will be pleased to declare them out of order.

Babu KSHETRA NATH SINGHA: Mr. Speaker, may I enquire of you how many no-confidence motions are in store of the Opposition? (Laughter.)

Khan Bahadur MOHAMMED ALI: Before you accept these motions may I submit to you that these motions are out of order, firstly, because they are frivolous, secondly, because they are vexatious, and thirdly, because they are obstructive. The Chief Minister stated the other day that the no-confidence motion tabled against Mr. Pain would be treated as a motion tabled against the entire Ministry on the principle of joint and several responsibility. Since that motion has been disposed of, Sir, any other subsequent motion is out of order.

Then again, it would be an abuse of the privilege of the House in the sense that day after day they can go on moving 13 motions and take up 13 days of the House. Then again, as Mr. Kiran Sarkar Roy hinted the other day, the Opposition propose to table 13 motions against 13 Parliamentary Secretaries. Therefore they propose to take up 26 days in this way costing the poor rate-payers a sum of Rs. 5,000 a day. (Cries of 'ah' 'ah' and interruption from the Opposition benches.)

Mr. SPEAKER: This is a point of order raised and I have got to give a decision. (Mr. KIRAN SANKAR ROY: This is an abuse of a point of order.) Kindly keep silent so that I may hear his words. I have not been able to follow him, strictly speaking.

Khan Bahadur MOHAMMED ALI: I repeat, Sir. I submit these motions of no-confidence coming day after day are vexatious, frivolous and abuse of the privilege of the House and of the rules of business, because previously when no-confidence motions were tabled they were tabled on the same day, taken up on the same day, and disposed of on the same day. These no-confidence motions are vexatious, frivolous and obstructive to the business of the House and abuse of the rules. I would invite your attention to rule 102(2) in this connection. These motions are actually directed against one Minister but the implication is that as the Ministers have joint and several responsibility, therefore any motion against any Minister is also a motion against the entire Ministry. Therefore they are repetitions of the same motion actually.

The Chief Minister categorically stated the other day that he took the motion as motion of want of confidence in the entire Ministry. Acceptance of that motion by the House would mean that the House had no confidence in the Ministry; a defeat of that motion would imply that House had confidence in the Ministry. The motion of the other day was defeated by a comfortable margin of 13 votes in spite of the fact that a large number of members of this party was absent. Therefore this House has full confidence in the present Ministry.

These motions against another Minister are mere obstruction to the business of the House and are abuse of the powers and privileges of the House and the rules of the House. I also want to tell you that each day if they go on proposing motions of no-confidence they can take up 26 days in this way. 26 days at the rate of Rs. 5,000 means that over a lakh of rupees of the poor rate-payers will be frittered away in this way because of the whims of the Opposition, because they want to obstruct the business of the House. They have no chance of their motion being accepted, neither any subsequent motion which may be tabled. They are deliberately introducing one motion day after day simply with the idea of obstructing the business of the House. Therefore it is an abuse of the privilege of the House and of rule 102(2). The main idea of moving these no-confidence motions is to stop the business of the House and to prevent the passage of the Secondary Education Bill. It is manifest and it does not require any grain of sense to understand the implication of the motions. I would submit that you will treat these motions as frivolous, as vexatious and as an abuse of the privilege of the House and an abuse of the rules of Procedure and Business. Therefore, all subsequent motions of no-confidence are out of order.

Mr. JOGESH CHANDRA GUPTA: Repetition of a bad argument never makes it a good one. That is the first lesson which the Parliamentary Secretary who has been allowed to raise this point of order should remember.

Sir, first of all I shall point out that it is fallacious to argue that a no-confidence motion against the Hon'ble Mr. Tarak Nath Mukerjea is an identical motion with the no-confidence motion against either Mr. Barada Prosanna Pain or Mr. Shahabuddin. I do not know that though there is a joint responsibility the Ministers had merged themselves into one another so that they can be regarded as only one entity and not separate entity. I thought the Leader of the House would say that the responsibility is joint and several but the Parliamentary Secretary is now making it not only joint but he has merged all the Ministers into one. That is an absurd proposition. Moreover, Sir, you are very well aware it is the Opposition's right to move a no-confidence motion and it is the Opposition's right to give a no-confidence motion the character that the Opposition wants to give it. Sir, I could not hear the Hon'ble Finance Minister. Let him not be afraid, because he is thinking that if the House continues the next no-confidence motion will be against him. (Laughter.) I think that the Hon'ble Finance Minister already knows that he has got the Governor of the province to come to his rescue. A motion must not raise a question substantially identical with one on which the Assembly has given a decision in the same session. Therefore this is not a substantially identical question, because the Ministers have got several responsibilities and they are different persons and individuals.

Then, with regard to the abuse of the privilege of this House, the less said about it from the Treasury benches the better. Sir, you are aware that this House is being prevented from recording its vote, because members are not allowed to mix with each other (Laughter from Ministerialist benches) and two additional jails have been established in the houses of two of the Ministers. The Chief Minister and the Civil Supplies Minister have allowed their houses to be used for the purpose of detention of members of this House (Uproar).

Mr. SPEAKER: Order, please. We are discussing the point of order only for my assistance. I hope you will not bring in absolutely extraneous and irrelevant matters.

Mr. JOGESH CHANDRA GUPTA: If the other side had not raised the question of abuse of privilege, I would not have said a word. They repeated again and again——

Mr. SPEAKER: That is another matter. Please come to the point.

Mr. JOGESH CHANDRA GUPTA: Sir, the next point is whether it is vexatious. I admit it is very vexatious to the member against whom a no-confidence motion is moved and it is very vexatious to the other members of the party to which the Minister belongs who support the Ministry (Interruptions). (A VOICE: It is pleasure to us but death to you.) But, Sir, until the provisions about no-confidence motions are revoked by an ordinance they are not entitled to come up and ask the Speaker not to allow a no-confidence motion to be moved against each individual Minister, if not against the parliamentary secretaries. Therefore, there is no ground for saying that it is vexatious.

With regard to the motion being frivolous, my submission to you is that if the Opposition after tabling a no-confidence motion cannot give sufficient grounds for moving the no-confidence motion, then only the question whether the motion is frivolous or not will arise. You are aware, Sir, that they have said that it is a frivolous motion. The Hon'ble Mr. B. P. Pain made a very lengthy statement, but he did not meet the two main charges——

Mr. SPEAKER: That question does not arise here.

Mr. JOGESH CHANDRA GUPTA: Whether it is frivolous or not, Mr. Speaker, you can only decide after hearing what grounds there are for the no-confidence motion. It seems to me that knowing the painful consequences of the exposure that will arise through these no-confidence motions they are unduly embarrassed and they want to keep out these no-confidence motions.

Now, with regard to the abuse of the procedure of this House, we have not abused any procedure. We have moved a no-confidence motion after giving notice about it. Rule 102 says: "A motion expressing want of confidence in the Council of Ministers, or in a particular Minister or a motion disapproving the policy of a Minister in a particular respect may be made——". We the Opposition can move a no-confidence motion against the Council of Ministers. The Opposition can move a no-confidence motion against a particular Minister. The Opposition can also move a no-confidence motion disapproving the policy of a particular Minister. All these three different kinds of no-confidence motions are contemplated. If the argument be put forward that a no-confidence motion involves the entire Council of Ministers and therefore no separate motion ought to be allowed to be moved then the rules would not have provided this and all these provisions in the rule become redundant and superfluous. As you are very well aware, Sir, whenever there is a rule or provision in the statute we can never presume that anything is superfluous or redundant, but we have got to give a reasonable construction to the entire provision.

I, therefore, submit, Sir, that there is nothing in the point of order to suggest that a no-confidence motion cannot be moved against any other Minister after one no-confidence motion has been moved.

Mr. ABDUR RAHMAN SIDDIQI: Sir, much breath has been wasted on trying to explain the point which is known to all students of constitutionalism. It is neither the question of privilege of the Opposition nor is it the question as to whether it is within the power of the Chair to decide. The Opposition has the right to move a motion of no-confidence against the whole Cabinet, against a Minister, or against a part of the policy of that Minister. What they have not pointed out to you is that it is within the discretion of the Speaker to find out whether there is any abuse of power or not. That is one aspect, Sir. But the Opposition cannot lay down the law as to how the Government will accept a motion of any of the three categories. (Dr. NALINAKSHA SANYAL: Nor can the Government dictate.) (Uproar).

Mr. SPEAKER: Order, order.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, the decision as to how the motion will be taken by Government is one hundred per cent. within the power of the Chief Minister. If he says "I accept this motion against a colleague of mine as a motion against the whole Cabinet" I do not see——

Dr. NALINAKSHA SANYAL: It is not for Government to treat it as they like. The Opposition——

Mr. ABDUR RAHMAN SIDDIQI: Sir, can you stop him from interrupting me? (Interruption.)

Mr. SPEAKER: Order, order. I have said more than once that today is going to be the last day of the session.

(Cries of "Why, Sir, why, Sir," from the Opposition benches.)

Mr. SPEAKER: Have patience. Don't interrupt please.

Mr. ABDUR RAHMAN SIDDIQI: Sir, they will not listen to truth. They do not want to have any correct information or correct knowledge on a point on which they have tried to mislead you and misguide you. It is,

Sir, not your right, and not theirs, to decide how a motion of no-confidence will be taken. The Chief Minister alone has that power. This is the practice followed in all parliaments of the world. Here, when the President of the Council of Ministers has stated "I accept this motion as a motion against the entire Cabinet" then every single member of the Opposition is improper, incorrect and definitely abusing his right if he now wants to move another motion of no-confidence. I would most earnestly beg of you to guard and maintain correct procedure in this House and not to allow all of us in this Assembly to become a laughing stock of the world.

Dr. SYAMAPRASAD MOOKERJEE: Sir, may I say a few words on the point of order raised by Mr. Mohammed Ali. This point has to be decided by you with reference to the rules. Rule 102 lays down the different kinds of no-confidence motions which can be brought by a member of this House. In the first place, it may be a motion for want of confidence in the entire Council of Ministers. Secondly, it may be against a particular Minister, and thirdly, it may be a motion disapproving the policy of a Minister in a particular respect. Now, it is the privilege of the Opposition to decide whether a motion that they have tabled will be against the Council of Ministers or against a particular Minister. It may equally be the privilege of the Chief Minister as the spokesman of the Ministry to say that a motion against a particular Minister will be regarded by the Ministry as a motion of no-confidence against the entire Cabinet. In other words, Sir, if the motion succeeds, then the entire Ministry will have to resign, but if the motion fails it cannot be suggested for a moment that it will debar the right of the Opposition to bring forward another motion against another Minister or the entire Council of Ministers.

(Cries of "Ha, ha" from the Government benches.)

Mr. Suhrawardy who is now sitting in the back bench of the European party, which serves him so well, shouted something which I could not hear.

Let me refer you, Sir, to the no-confidence motions moved in this very House on the 8th August, 1938. On that day 11 motions were tabled.

Khan Bahadur MOHAMMED ALI: On one day.

Dr. SYAMAPRASAD MOOKERJEE: Don't interrupt.

Khan Bahadur MOHAMMED ALI: As if they do not interrupt at all.

Dr. SYAMAPRASAD MOOKERJEE: Sir, I know the reason why they interrupt me, they know their weakness very well. When in August, 1938, as many as 11 no-confidence motions were tabled against 11 individual Ministers (Mr. A. M. ABDUL HAMID: On one day)—yes, on one day, but that matters little—the Hon'ble Mr. A. K. Fazlul Huq, the then Chief Minister got up and announced that if any of the motions was passed he would accept it as a motion against the entire Ministry and the Ministry would then resign. The first motion was moved against the Maharaja of Cossimbazar. That motion was lost, and as soon as it was lost, the second motion was moved by Mr. Aftab Ali against Mr. H. S. Suhrawardy. Now, if there is anything in the point of order raised by Mr. Mohammed Ali, namely, the rejection of a no-confidence motion against a particular Minister which has been accepted by Government as a motion against the entire Ministry, was an automatic bar against further motions, then Mr. Aftab Ali could not have moved the second motion. The next day there was another motion moved by Mr. Promatha Ranjan Thakur against Mr Mukunda Behary Mullick after the motion moved against Mr. Suhrawardy was rejected by the House. Therefore, Sir, there can be nothing of substance in the point of order raised by Mr. Mohammed Ali. To quote his own words, it is vexatious and frivolous and wasting the time of the House. (Khan Bahadur MOHAMMED ALI: And also waste of money.) Mr. Mohammed Ali says it is waste of money. The House has not forgotten how only the other day

3 Ministers ran away without moving the motions standing in their names in respect of Government Bills and the House adjourned abruptly without transacting any business.

Sir, the simple point is this: if a suit is instituted in a court of law, by a plaintiff, it is for the plaintiff to determine what will be the character of the suit. The defendant may put forward any defence he likes. The defendant may say anything as regards the result of the suit so far as his own interest goes, but it is not open to him to change the character of the suit. I agree with Mr. Siddiqi that so far as the Speaker is concerned there is power vested in him to control no-confidence motions. He has to determine whether the motion is in order. He has also to determine whether the motion is an abuse of the procedure provided in sub-rule (*1*). Now, Sir, the ruling given by the then Speaker, Mr. Azizul Haque when the then Leader of the Opposition said that he was not treating the motion of no-confidence against a particular Minister as a motion against the entire Ministry whatever the Chief Minister may say, was that he would not allow any extraneous matters to be discussed on a motion against a particular Minister—only matters connected with the departments with which the Minister was concerned could be discussed according to the rules of business.

Now, if that is the correct position, how is it possible for any member to bring before the House the misdeeds of other Ministers or of the Ministry as a whole if by any chance a motion of no-confidence against any particular Minister, accepted as a motion against the entire Ministry, is lost? There may be a question of abuse of the procedure if repeated motions are tabled against the same Minister, but here again I would submit that such a procedure might be allowed under some circumstances. If, for instance, a motion is again tabled against Mr. Barada Prosanna Pain, you can well tell the mover that it will be regarded as an abuse unless the mover is prepared to place before you concrete facts showing that since the date of the disposal of the previous motion, the Minister had been guilty of certain misdeeds which would justify bringing forward a new no-confidence motion against him. So far as the present motion is concerned, there has been no abuse of the procedure which is outlined in sub-rule (*1*). It is a *bona fide* right which is being exercised by the members of the Opposition, and I submit, Sir, that you will not rule the motions out of order on the ground of the general principle involved in the rule itself and based on the precedents of this House which I have just now placed before you.

Mr. A. F. STARK: Sir, may I say a word on this. It does seem to me that there is a slight difference between the position in 1938 and the position now. In 1938, as my honourable friend Dr. Mookerjee knows, all the motions of no-confidence in the individual Ministers were tabled together and they were debated one after another. I am just pointing out the difference. In this case a motion of no-confidence is tabled against an individual Minister. It is debated and then another motion is tabled. There is an interval and then that motion is debated, and then presumably we go on to the next Minister till the 13 Ministers are disposed of. In each case there is an interval between the tabling and the debating of the motion. Now, Sir, I submit to you that it is for you to determine whether this is an abuse of the procedure laid down in the Rules. But, to my mind, it becomes an abuse of the procedure laid down in the Rules when it becomes an obstruction of the business of the House. It becomes unreasonable, Sir, when we are to go on week after week debating motions of no-confidence, and it becomes an obstruction of the normal business of the House. If we debate all the motions of no-confidence in the thirteen Ministers together one after another, day after day, I think that can be done under the rules; but, Sir, if the motions are tabled one after another at intervals, I think that is obstruction of the business of the House.

Rai HARENDRA NATH CHAUDHURI: Sir, you will find, if you kindly refer to the proceedings of August, 1938, that although the

motions were tabled on a particular date, the motions were actually moved and taken up on later dates one after another. The Hon'ble Speaker ruled that he had "no power to congregate motions" and the motions were taken up separately. Whether leave is asked on one or different dates therefore does not make any difference at all and Mr. Stark has not been able to point out what difference can there be if leave of all the motions is taken on one day or on different dates and the motions are actually moved on different dates. Mr. Stark has not been able to point out any difference in these two cases.

As regards the point of obstruction, there must be obstruction if one chooses to so describe it if our statutory right be that we can move a motion of no-confidence against each and every Minister and move it separately. There we are within the four corners of the Statute and the Rules and therefore no question of obstruction can possibly arise against what is done in pursuance of the right which has been given to us by the Statute and by the Rules of Procedure of this House.

Mr. A. K. FAZLUL HUQ: Mr. Stark has rightly admitted that if there is nothing in the motions not having been tabled on the same date, then there is nothing in the rules to bar these motions coming up one after another. Suppose, Sir, this Assembly having met on the 1st of February we come to know on the 6th February that a certain Minister has so misbehaved himself that in our judgment he should no longer be allowed to remain a member of the Council of Ministers, then it is open to us under the Rules to table a motion of no-confidence.

Now, Sir, there is nothing in the rules which prevents a motion of no-confidence being tabled against that Minister. It may happen, Sir, that that motion is not carried; in that case, so far as that Minister is concerned, it may be argued that it means a vote of confidence in that Minister. Suppose ten days later we discover any Minister who has so behaved himself that in our judgment he should be removed from the Council of Ministers. There is nothing in the Rules to prevent us from moving a vote of no-confidence.

Now, Sir, that is not an arbitrary explanation of the rule. A slight consideration will show that it is but common sense that allows the Opposition to adopt the procedure that we have done. Now, Sir, there are thirteen Ministers at the present moment. It may be that six of them enjoy the confidence of the House and seven of them do not. Now, we take up some one and we go to vote, and that motion is defeated. It may be that that may be taken as a vote of confidence in that Minister, but I submit that does not necessarily mean a vote of confidence in other Ministers as well. Conversely, Sir, if the motion is carried, that Minister has got to resign and other Ministers need not resign unless they voluntarily choose to resign taking the joint responsibility. Supposing, as I have said, six Ministers enjoy the confidence of the House and seven Ministers do not, and if one Minister is chosen who does not enjoy the confidence of the House and if the Ministers take the joint responsibility, then not only the Minister who has lost the confidence of the House has to resign but also those Ministers who enjoy the confidence of the House have to resign not because of the vote of no-confidence but because they have elected to take joint responsibility with that Minister. Here in this case the motion was against Mr. Pain, and the Chief Minister took upon himself to resign if the motion was carried. That is the procedure which the Ministers should follow, but that does not alter the significance of the rules. But if that motion had been carried and if the Chief Minister had not taken the joint responsibility, then it was Mr. Pain that would have to resign and not others. But the Chief Minister says, "if this motion is carried, whether we enjoy the confidence of the House or not we also resign", as I said in August, 1938. That is the position. The rule says that we can bring a motion of no-confidence against the Cabinet as a whole or against a particular Minister. Then the distinction that has been made there between a no-confidence against the Cabinet

as a whole and that against an individual Minister is not redundant. It has been provided like that for this reason that it is not necessary to bring a motion of no-confidence against the Cabinet as a whole if we do not think it necessary to do so. We can test any Minister and we can test the 13 Ministers on 13 different occasions. This is our inalienable right and that cannot be taken away. Not only these motions are in order but other nine motions which will be coming will also be in order.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, may I say one word about this? The real point is whether this is going to be an abuse of the procedure laid down in the rules. It is not the contention of the Government that technically it is not correct on the part of the Opposition to bring as many motions as they like. Technically they can do so, but it is for you to decide whether that will be an abuse of the procedure of the House or not. That is the real question and there can be no doubt about the question that they should not be allowed to bring in motions one after another in this way. That will be nothing but abuse of the procedure laid down in the rules.

Khan Bahadur MOHAMMED ALI: Sir, I want to remind you of your ruling that you gave on the 29th March, 1943, when you first made the announcement that the Hon'ble the then Chief Minister had submitted his resignation to His Excellency on the previous night. Several budget demand motions were then outstanding but you did not allow those Ministers to move the motions even though those Ministers had not submitted their resignation because, you stated, one Minister had resigned, and the responsibility was joint and therefore no Minister was in office. You said categorically that because one Minister had ceased to hold office, all other Ministers had ceased to hold office and, therefore, no motion could be moved on behalf of Government. That was the ruling you gave, Sir, only last year on the 29th March. Therefore, Sir, the removal of one Minister means the removal of the Ministry as a whole.

Maulvi AHMED ALI MRIDHA: When Mr. Fazlul Huq was the Chief Minister, no-confidence motions were tabled against the Ministers and they had joint responsibility. He accepted that responsibility and voting also took place on that basis. That is the precedent and he cannot go behind that.

Ruling of Mr. Speaker.

Mr. SPEAKER: At the very outset I should like the honourable members to remember that on a matter like this we cannot expect much assistance from the conventions and practices prevailing in other parliaments of the world. Ours is a unique constitution and its rules are also unique and we have got to base our decision on the Act of 1935 and also on the rules framed thereunder.

Now, I have been asked in the present point of order to rule out the motion of no-confidence against the Hon'ble Mr. Khwaja Shahabuddin, Minister for Labour, Commerce and Industry, fixed for discussion today as well as the no-confidence motion tabled today against the Hon'ble Mr. Tarak Nath Mukerjea, Minister for Revenue. The grounds appear to me to be two-fold. First, it is an abuse of the procedure provided in sub-rule (*1*) of rule 102 of the Bengal Legislative Assembly Procedure Rules. In the second place, it appears to have been argued that rule 40 that has been specifically referred to by way of reply by Mr. J. C. Gupta is a bar to the taking up of any further no-confidence motion against any other Minister.

Dr. NALINAKSHA SANYAL: This was not argued by them. They did not know it.

Mr. SPEAKER: Whether they argued it or not is immaterial when I have got to give my decision.

Dr. NALINAKSHA SANYAL: I only wanted to point out that they did not know it.

Mr. SPEAKER: The relevant facts may be stated thus. A no-confidence motion against the Hon'ble Mr. Barada Prosanna Pain was tabled on the 15th June, 1944, and was fixed for discussion on the 21st instant last. But before the said motion could be taken up for discussion the no-confidence motion against the Hon'ble Mr. Khwaja Shahabuddin was tabled and admitted by me. Today is the date fixed for the discussion thereof. In the meantime the said no-confidence motion against Mr. Pain has been rejected by the House. One more no-confidence motion against the Hon'ble Mr. Tarak Nath Mukerjea has now been tabled, as already stated. It is now urged that as the Council of Ministers are working on the principle of joint responsibility, all the Ministers are entitled to the benefit of the rejection by the House of the said no-confidence motion against Mr. Pain. It appears also to be further urged that in view of the provisions of rule 40 of the Bengal Legislative Assembly Procedure Rules the no-confidence motions are inadmissible.

The first point that in my opinion arises for consideration is whether rule 40 of the Bengal Legislative Assembly Procedure Rules applies to the present cases. I doubt it does not. In the first place, I am of opinion that rule 102 of the Bengal Legislative Assembly Procedure Rules is not subject to the provisions of rule 40 and is not controlled by it. Rule 102 has not been expressly made subject to the provisions of rule 40. The subject-matter of rule 102 itself excludes, in my opinion, the possibility of the application of rule 40. A session may continue for a fairly long time extending over several months. If a no-confidence motion against an individual Minister or Council of Ministers is negatived in the earlier part of a session there does not appear to be any reason why a similar motion should not be admissible at a later stage of the same session. In fact, cases are not inconceivable where a particular Minister or the Council of Ministers may lose the confidence of the House soon after even a no-confidence motion is negatived in their favour by reason of acts subsequent to the said verdict of the House or even of acts prior to the said verdict if the acts had not been disclosed or known at the time when the motion was decided in favour of the Ministry or Minister concerned.

(A voice of interruption from Government side.)

It is no question of Opposition of Government - it is a constitutional point.

As soon as a fresh cause arises, a member of the House will, in my opinion, be entitled to bring a motion of no-confidence against the Council of Ministers or an individual Minister. Of course, no motion expressing want of confidence can be brought more than once on the same set of facts or circumstances. The above appears to be the clear intention of rule 102 from a plain reading of the rule itself and it appears to me that the only bar to the bringing of a no-confidence motion is when the motion in question is, in the opinion of the Speaker, an abuse of the procedure provided in sub-rule (*1*) of rule 102.

Assuming for the sake of argument that rule 40 controls the provision of rule 102 I do not see how the present motions can be said to be substantially the same as the motion already disposed of by the House. The previous motion was directed against an individual Minister as provided in sub-rule (*1*) of rule 102 for acts done by him. There was no question of any general policy of the Ministry even involved in the said motion of no-confidence. The defence of the Council of Ministers that they are working on the basis of joint responsibility will, I am afraid, not make the present motions substantially identical with the motion already disposed of.

The next question that arises for consideration is whether in view of the fact that the Hon'ble the Chief Minister has stated that they were working on the principle of joint responsibility the present motion would be out of

order. This raises a somewhat important constitutional question. The Government of India Act, 1935, does not make the responsibility of the Council of Ministers joint responsibility nor does the Instrument of Instructions make it so. The latter only indicates that sense of joint responsibility in the Council of Ministers may be fostered by the Governor. If, therefore, the Council of Ministers is working on the basis of joint responsibility it is a purely voluntary act of agreement on their part binding on them and them alone so long as they choose to work on that basis. It is, no doubt, entirely for the Ministry to take a certain decision as applicable to the entire Ministry or to a particular individual Minister. I do not however think any agreement between the Ministers themselves constituting joint responsibility for themselves can have any effect whatsoever on the rights and privileges of the members of the House specifically given to them by the Rules.

Rule 102 makes clear provision for expressing no-confidence in Ministers. Every member can bring a motion under rule 102(*1*) expressing want of confidence—(*i*) in the Council of Ministers, (*ii*) in a particular Minister, or (*iii*) for expressing disapproval of the policy of a Minister in a particular respect. There is no mention whatsoever of any question of joint or several responsibility in this rule. In fact, the rule does not seem to take any notice whatsoever of the nature of the responsibility of the Council of Ministers. It is entirely open to the Council of Ministers to take a no-confidence motion in a particular Minister or in respect of a policy of a Minister in a particular matter as a no-confidence against the entire Ministry but that is no reason why the members should be deprived of their right of bringing a motion expressing want of confidence in a particular Minister or as otherwise provided in rule 102, after a no-confidence motion against another Minister has been rejected by the House. I do not see any reason why simply because the Council of Ministers has chosen voluntarily to make their responsibility joint, the members of the House should be deprived of their rights specifically given to them by the rules.

The above interpretation of rule 40 and rule 102 appears to be borne out by the procedure adopted by my predecessor in the case of no-confidence motions against the Ministers in 1938. Then 10 no-confidence motions were tabled against 10 Ministers. The Ministry pleaded joint responsibility. But still all the motions were moved and disposed of by the House one after the other. In my opinion it does not make any difference whether all the motions were tabled on the same day or on different dates. If it is a question of the time to be taken by the motions, certainly it would make no difference if the motions are tabled on different dates. If the contention as made in the present case were correct then on the first motion being negatived the rest would not have been proceeded with and would have been declared withdrawn, inadmissible or out of order. But it was ruled otherwise by my predecessor.

It therefore appears clear to me that the fact that the no-confidence against Mr. Pain has been negatived by the House is no reason why the present no-confidence motions should be held to be inadmissible. Constitutionally there is no bar to allow these motions to be discussed.

The only point relevant for consideration in a no-confidence motion, in my opinion, is whether any particular no-confidence motion is, in the opinion of the Speaker, an abuse of the procedure prescribed in sub-rule (*1*) of rule 102. That would in each case be a question of fact and not a question of constitutional law at all. Every no-confidence motion when tabled would be taken to be a *bona fide* no-confidence motion until it appears to be otherwise to the Speaker. In the present cases the only fact that is being urged against the *bona fides* of the present no-confidence motion is that the other no-confidence motion has been recently negatived by the House. This by itself, in my opinion, does not make the present motions

an abuse of the procedure prescribed in sub-rule (*1*) of rule 102 but is more or less a technical constitutional question which I have held to be untenable.

It has been urged that the present motions are not *bona fide* motions of no-confidence but are intended to obstruct the business of the House. In this connection mention has been made of the attitude of the Opposition to the Secondary Education Bill. If I understood the Opposition aright I think their attitude to the Secondary Education Bill was avowedly obstructive. But that in my opinion is quite beside the point so far as the present matter is concerned. The motion of the Hon'ble Minister that the Secondary Education Bill be taken into consideration at once was agreed to by the House on the 20th instant, and we have since no programme for Government business. In fact we have already got an order for prorogation (Cries of "shame, shame" from the Opposition Benches) after the conclusion of today's sitting. In these circumstances no question of obstruction to the business of the House can arise in respect of the present motions. It is the inherent right of the minority to convert itself into majority by all constitutional means and in the circumstances of the present case, repeated and successive no-confidence motions against individual Ministers allowed by rule 102(*1*) resorted to by the Opposition cannot be said to be in any way unconstitutional. I feel I cannot justly disallow the motions for no-confidence which, if done, will have the effect of curtailing the rights and privileges of members of this House. I, therefore, overrule the point of order and allow the motions for no-confidence.

Mr. CHARU CHANDRA ROY: I beg leave of the House to move the motion standing in my name.

Point of Information.

Khan Bahadur MOHAMMED ALI: Sir, what about the point raised by me?

Mr. SPEAKER: The Khan Bahadur has said that I have not replied to the point put forward by him about my ruling that I gave on the occasion when Mr. Fazlul Huq announced in this House about the joint responsibility of his Ministry, and I stated that in view of the fact that the Chief Minister announced that the responsibility was joint, therefore it concerned the entire Ministry. I think it has got no bearing and no relevancy whatsoever to the present issue.

Mr. FAZLUR RAHMAN: We submit, Sir, to your ruling. I have no intention to criticise it. But you have made certain remarks to the effect that Government had no further business That is not correct (Interruptions from Opposition benches).

Mr. SPEAKER: I have repeatedly said, gentlemen, that today is the last day, and there should not be any disturbance. With regard to Mr. Fazlur Rahman's remark, if it is thought that I have cast any reflection on Government, that is far from my intention.

Mr. ABDUR RAHMAN SIDDIQI: I would beg of you to correct me, Sir, if I am wrong. We thought there was Government business connected with the Secondary Education Bill.

(Interruptions and cries of "No", "no" from the Opposition benches.)

Mr. SPEAKER: No; there was no programme of Government business.

Dr. NALINAKSHA SANYAL: The fact remains that Government have not given notice of further business.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, as you know the procedure is that Government send intimation to the office of the Speaker about the business to be taken up. Notice was given of a no-confidence motion for

Wednesday last, and it was discussed on Wednesday last. Another notice came for another no-confidence motion, and as there was no siting on Thursday, therefore Friday was fixed for discussion of that motion. The next day for Government business was on Monday and therefore there was ample time to give notice for further Government business on Monday. You suggested that Government did not fix any day for further business connected with the Secondary Education Bill.

Mr. SPEAKER: I did not say that.

The Hon'ble Khwaja Sir NAZIMUDDIN: I may be mistaken, Sir, and you will please correct me if I am wrong. As I have stated, Sir, notice of a no-confidence motion was given. Friday was down for non-official business, and you fixed this day for discussion of this motion. So, Monday was going to be the next day for Government business, and we had ample time to give notice. I hope, Sir, that so far as your statement in that regard is concerned you will kindly expunge it from the proceedings.

Dr. SYAMAPRASAD MOOKERJEE: Sir, a communique has been issued from Government House (Mr. A. K. FAZLUL HUQ: Ignore it) that there is no further Government business on the agenda and it is not to be expected that after a long and exhausting session the Assembly should be asked to consider further Government business. It is therefore clear that there is no Government business before the Assembly.

(Cries of "Shame, shame" from the Opposition benches.)

Mr. SPEAKER: If my ruling has been interpreted as in any way casting any reflection on the Government, I never intended that. I have only stated facts.

Mr. JOGESH CHANDRA GUPTA: You are absolutely right, Sir.

Mr. SANTOSH KUMAR BASU: The communique will speak for itself whether Government has got any business or not.

No-Confidence Motion.

Mr. SPEAKER: Leave of the House has been asked by Mr. Charu Chandra Roy for moving the following motion:—

> "This Assembly expresses its want of confidence in the Hon'ble Mr. Tarak Nath Mukerjea, Minister in charge of the Revenue Department".

As many as are in favour of granting leave will kindly rise in their places.

(Members rose in their places.)

The requisite number of members have risen in their places. So, the honourable member has got the leave of the House.

But the real difficulty is, as I have already stated, that I have got in my possession an order for prorogation of the House after today's sitting.

(Cries of "shame," "shame" from the Opposition benches.)

Point of Order.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. On this point of order I want to submit——

Mr. SPEAKER: How can there be a point of order?

Dr. NALINAKSHA SANYAL: Sir, the Government of India Act, section 62, provides for the issue of a prorogation order and the Governor is invested with the power to prorogue the Chamber or Chambers in his discretion. It is a discretionary power of the Governor and I sympathise with

you when you say that you have some difficulty regarding the fixation of the date in view of this prorogation order. I submit that a copy of the prorogation order has already appeared in the Press and, Sir, from the terms of that order it appears that the order is purported to have ben issued contrary to the provisions of the Government of India Act. The order is this: June 23rd, Calcutta, which the Associated Press has circulated——

Khan Bahadur MOHAMMED ALI: Can the honourable member discuss the question of prorogation, Sir? He cannot question the action of His Excellency in his discretion.

Mr. SPEAKER: You said that you have risen on a point of order and if you want to make a submission on a point of order you should put it very briefly as the rules provide. Just state your reasons briefly.

Dr. NALINAKSHA SANYAL: May I repeat what I have already stated that the order that has been made available to us through the Press along with a communique clearly shows that it is not a valid order and that it is against the provisions of the Government of India Act.

Mr. SPEAKER: Will you please resume your seat, Dr. Sanyal? I am not at all concerned with the order that you have got from the Associated Press. I am not concerned with what appears in the Press. I have here got an order which says—the Bengal Legislative Assembly shall stand prorogued on the 23rd June, 1944, at the conclusion of the sitting of that date——

(At this stage Dr. Nalinaksha Sanyal again rose to speak.)

Order, please. It is an order of His Excellency the Governor directing prorogation and I do not think that it can be discussed.

Mr. A. K. FAZLUL HUQ: Sir, I am addressing you on a motion not merely of great constitutional importance but affecting the privilege of the House. If you have received any communication asking you to announce that the Bengal Legislative Assembly shall be prorogued, I would humbly advise you to ignore that order. We are fast drifting into circumstances which arose in England in the middle of the 16th Century when King Charles I said that he was above the Parliament and Oliver Cromwell replied that the Parliament was above the King. Here somebody says that the Governor is above the Bengal Legislative Assembly but I say that the Legislative Assembly is above the Governor. You, as the Speaker of this Assembly, have got to fix a day and let us see who is there to prevent us from sitting here and discussing the no-confidence motion. We declare Civil War here and now just as Oliver Cromwell declared Civil War against King Charles I.

Dr. NALINAKSHA SANYAL: On a point of order, Sir.

Mr. SPEAKER: I do not allow any point of order at this stage.

Dr. NALINAKSHA SANYAL: Sir, I submit that there is business before the House and——

Mr. SPEAKER: Dr. Sanyal, please do not continue like that in spite of my direction, today being the last day of this session (Loud cries from the Government party benches).

Dr. NALINAKSHA SANYAL: Sir, the House is in continuance, there being business before the House, in the midst of which you have drawn our attention to this prorogation order.

Mr. SPEAKER: Order, please, Dr. Sanyal. The prorogation order cannot be discussed here and I won't allow you to discuss that order now.

Mr. SANTOSH KUMAR BASU: May I just point out to you that there has been some misapprehension in your mind. We have not been discussing

the prorogation order at all. You will kindly remember that there is some misapprehension and I am making that position clear. You have said that it is not possible for you to fix a date with regard to the no-confidence motion to which leave has been given. We are only making our submission to you on that point as to whether it is difficult or easy for you to fix a date. Incidentally, the question of prorogation order may have come in. The explanation that Dr. Sanyal is presenting before you is that we are not discussing the prorogation order but the question of your difficulty in fixing a date and that is now the point before the House.

Dr. NALINAKSHA SANYAL: Today, Sir, shortly following the discussion on the no-confidence motion we have non-official business to dispose of.

Mr. SPEAKER: I will not allow that to be brought in, Dr. Sanyal. If you go on like this I will take drastic action against you.

Mr. A. F. STARK: Name him.

Dr. NALINAKSHA SANYAL: Sir, we have also the business of expressing our disapproval of the appointment of an Australian citizen as the Governor of Bengal——

Mr. SPEAKER: Mr. Roy, will you kindly help me in this matter?

Mr. KIRAN SANKAR ROY: I shall certainly help you in this matter, Sir. But the way in which I can help you is by telling you the only thing that Dr. Sanyal wants to submit to you and that is the resolution of disapproval of the appointment of Mr. R. G. Casey as Governor of Bengal. Is that one of the reasons, Sir, for this sudden prorogation order?

The Hon'ble Khwaja Sir NAZIMUDDIN: It was agreed, Sir, that this question should not be discussed when the House was adjourned.

Dr. NALINAKSHA SANYAL: Sir, I have a special motion given notice of as early as 5th January but I have not as yet received either consent or refusal of consent. That matter is hanging fire and that special motion that I gave notice of was as early as 5th January and it sought to express the opinion that the Government of Bengal should convey to His Majesty's Government through proper channel the disapproval of the people of Bengal to the appointment of a public man from Australia Governor of Bengal.

Mr. SPEAKER: I think the only question before the House now is fixation of a date for discussion of the motion for which leave has just now been granted by the House. I cannot go beyond today. I can fix only today for the discussion. I am helpless in this matter. That is the only course open to me. If you are willing to discuss you can discuss it today. That is the real point.

Dr. NALINAKSHA SANYAL: On a point of order. You cannot fix today under the rules.

Mr. SPEAKER: That is another matter. I have to fix a day.

Dr. NALINAKSHA SANYAL: Not being the same day.

Mr. SPEAKER: After all it is more or less of academic interest whether I can fix today or not. In fact we have got before us another no-confidence motion for discussion that I have already allowed and you can take up that and if you feel inclined, you can sit further and longer and discuss this matter also.

Dr. SYAMAPRASAD MOOKERJEE: May I make one suggestion? Now that you have given your ruling and accepted a new no-confidence motion today for which the House has also given leave, is it possible for

you to bring this fact to the notice of His Excellency the Governor—you will adjourn the House for prayer within a few minutes—and request the Governor to suspend the order of prorogation in view of the fact that the Assembly has already given leave of a new no-confidence motion against a Minister? If the Governor declines to do so, then of course you will be helpless, but His Excellency should at any rate know that the House has granted leave for the moving of a non-confidence motion against a Minister. It is only fair that His Excellency should not be dragged into a controversy between the Ministry and the Opposition.

The Hon'ble Khwaja Sir NAZIMUDDIN: We are quite ready to sit as long as Dr. Mookerjee or the Opposition wants and discuss. It is obvious, Sir, that they realise if they discuss today either the one that is already on the agenda or this motion——

Dr. NALINAKSHA SANYAL: This is absolutely irrelevant. (Shouts from the Coalition benches and couter-demonstration from the Opposition benches.)

The Hon'ble Khwaja Sir NAZIMUDDIN: ... . .they will suffer a defeat and therefore they want to avoid a defeat.

Dr. NALINAKSHA SANYAL: You will suffer a defeat on Monday and therefore you run away.

The Hon'ble Khwaja Sir NAZIMUDDIN: Let the House divide on the motion and let us see what is the result.

(There was again uproar in the House.)

(At this stage the House was adjourned for 15 minutes for prayer.)

(After adjournment.)

Dr. NALINAKSHA SANYAL: Sir, may we enquire if in response to the appeal made to you by Dr. Syamaprasad Mookerjee to have an urgent communication with the Government House to ascertain whether the prorogation order referred to by you, which we understand was issued in consultation with the Ministers contrary to the provisions of section 62 of the Government of India Act, would be withdrawn, you have got any reply from the Governor of the province.

We are aware, Sir, that the Governor of the province can, even in discretionary matters, if he so likes, consult the Ministers, may accept their advice or may not accept and may also consult, as was done by a previous Governor, the leaders of the Opposition on the subject, but in this particular case, the Press Communique shows that the Governor was only advised in this matter by the Ministers of the Governor and he never consulted or thought of consulting either the Opposition leaders or the Speaker of the House.

Sir, we presume that the Governor was kept informed by your office of the advent of another no-confidence motion today and I suppose, Sir, that your office also knew that today in due time there was the other no-confidence motion that has been given leave of today was coming along and, as is the usual practice, we presume that the Secretary to the Governor was in possession of copies of our no-confidence motions that were tabled for leave being granted even today. In view of that fact, we would submit to you once again that your difficulty may be solved, which I was trying to point out to you—your difficulty of fixing a date may be solved—only if you could make reference to the Governor and find out if he was prepared to withdraw or withhold for the time being the issue of his prorogation order. We submit that that is the only course that is left to you and it will be difficult to continue today consistent with the rules, that is, the rules which provide for fair debate. This evening there has been a particularly inclement weather. The House at the present moment, if it is asked to continue, will not have an opportunity of fair debate for an important motion of no-confidence which the House wants to go through.

Sir, my reading of the rule further is that even with regard to the second motion of no-confidence you have to fix another day and not the same day. In a similar case, where the Calcutta Corporation has got a rule of fixing a day for a certain class of business, a particular Mayor had fixed the same day and disposed of the business. The matter was referred to the Advocate-General of Bengal and he gave his advice that in a similar language the same day could not be named and you have to fix a separate day and not the hour of a particular day. In that view of the thing, I submit that you adjourn the House once more and if you have not already got the communication, kindly have the same clarified and wait for the communication from the Governor.

The Hon'ble Khwaja Sir NAZIMUDDIN: I would like to place before the House certain facts. This session has been continuing from February and is the longest session known in the history of the Bengal Legislature. These facts are stated in the Government communique. This Government has passed the budget by vast majority; they have got through two Finance Bills; and they have been sitting here trying to put through a very important Bill, namely, the Secondary Education Bill. (Dr. NALINAKSHA SANYAL: Which they withdrew). They have already faced a no-confidence motion and they are prepared to face another no-confidence motion today. (Dr. NALINAKSHA SANYAL: They were saved only by the obliging Europeans.) The Opposition had ample opportunity of giving previous notice of any other motion of no-confidence that they wanted to move. In fact, we had no information whatsoever until this afternoon when I went into Mr. Speaker's room at 3 or 3-30 p.m. that another motion of no-confidence had been tabled. (Mr. KIRAN SANKAR ROY: What about the motion against Mr. Shahabuddin?) That motion is going to be debated and voted upon tonight and we are prepared for it. We are prepared to sit up to any late hour to discuss and finish it. (Mr. KIRAN SANKAR ROY: How can we finish it today?) (Dr. NALINAKSHA SANYAL: Why did you go to the Governor to save you?) There is no question of saving here. I would like to say, Sir, what the facts are. Government introduced an important Bill; that important Bill has been deliberately obstructed by the Opposition. (Uproar.) (Dr. NALINAKSHA SANYAL: Because it is an unwanted Bill.) After the greatest difficulties—difficulties which were admitted by the Speaker himself in one of his statements here, the closure motion has been declared carried. There are 2,500 amendments, and with this obstructive policy of the Opposition, Sir, you yourself have admitted that you are unable to control what I was going to say the rowdy element. (Dr. NALINAKSHA SANYAL: Including yourself!) Obstructive demonstration was made by the Opposition, and the most important thing is that there was no indication given of another motion of no-confidence being moved and no notice was given. Had there been any notice given and if the honourable members of the Opposition had given notice of other motions for no-confidence on the day that we last met, namely, Wednesday, His Excellency would not have very likely prorogued the House. (Cries of "Oh! oh!" from the Opposition benches) (Dr. NALINAKSHA SANYAL: You know all right that no-confidence motions were coming one after another) (Dr. SYAMAPRASAD MOOKERJEE: Why don't you advise the Governor now?) If the honourable members of the Opposition agree to have a test today (Dr. NALINAKSHA SANYAL: The Europeans will save you again) they will find that the Government majority has gone up considerably (Dr. NALINAKSHA SANYAL: Yes, with Anglo-Indian and European support.) Anglo-Indians are Indians; they are born and brought up here and as regards Europeans they are part of the constitution. (Dr. NALINAKSHA SANYAL: Your saviour!). If the Europeans had not been here, we would have at least a majority of 25 Muslims in the House and Dr. Sanyal would not have been in a position to say all this (Uproar).

Mr. SPEAKER: Let us have just a little orderly discussion before we disperse.

Mr. SANTOSH KUMAR BASU: Sir, the Leader of the House Sir Nazimuddin used the expression "rowdy element". Was he referring to the occupants of the ministerialist benches? Otherwise I would ask him to withdraw the expression and that expression must be expunged. (Uproar.)

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as Government is concerned, we have taken a vote of confidence of the House by defeating the no-confidence motion. (Cries of "Oh! oh!" from the Opposition benches.) Today our majority will be much greater. (Cries of "no, no" from the Opposition benches.) (Khan Bahadur MOHAMMED ALI: Divide and see.) In future we shall see if we can amend the rules so that we can push a Bill through by means of the guillotine procedure. (Dr. NALINAKSHA SANYAL: That is the only procedure open to you.)

Mr. A. K. FAZLUL HUQ: Sir Nazimuddin suggested that we should sit as late an hour as necessary and finish the no-confidence motion. There was considerable hilarity in the Ministerialist benches and I am not surprised that this should have been so (Uproar.)

Mr. K. NOORUDDIN: He is irrelevant.

Dr. NALINAKSHA SANYAL: With your intelligence you cannot make an interruption.

Mr. SPEAKER: Dr. Sanyal, allow the Leader of the Opposition to speak.

Dr. SYAMAPRASAD MOOKERJEE: What about Mr. Nooruddin?

Mr. A. K. FAZLUL HUQ: I am not much surprised either at the suggestion of the Chief Minister or at the hilarity that I noticed in the ministerialist benches. Those whose political training has been received in the precincts of their homes and not beyond the apron-strings of their women folk do not know the value which is attached to the rights and liberties of the people. (Cries of "Oh! oh!" from the Coalition benches.) They do not understand what individual rights mean. But, Sir, we have been brought up in a different sphere and we know that orders of Governors and Viceroys. . .... (Uproar.) Sir, you must stop the interruptions or you must adjourn the House.

Mr. SPEAKER: Order, please.

Mr. HARIPADA CHATTOPADHYAY: A relation of Sir Nazimuddin is making interruptions.

Dr. NALINAKSHA SANYAL: That is the rowdy element.

Mr. SPEAKER: I hope we will be in a position to disperse in a calm and happy atmosphere.

Khan Bahadur MOHAMMED ALI: Sir, let us proceed with the business. Let the motion be put and then we shall show that we have a greater majority today.

Mr. SPEAKER: I think we were on the question of fixing a date for the no-confidence motion and I made certain statement. Mr. Huq, what do you want to say? If you have got anything more to say, please finish it quickly.

Mr. A. K. FAZLUL HUQ: Now, Sir, I have heard the last remarks coming from the Ministerial benches. They bear the great majority tonight. I am not surprised if that is so. They have brought European members, male and female, from all over India. (Loud laughter from the Opposition benches.) Sir, it is possible. (Interruptions from Government benches.) Sir, if they interrupt like this, they won't enjoy what I am saying. Sir, it is possible that if we go to a division, we may be defeated.

I maintain that even with all their European reinforcement, the Indian element constituting the majority is on our side. If European members remain neutral, let us then see what will happen.

Mr. SPEAKER: Have you finished, Mr. Fazlul Huq? You please come to the business now.

Mr. A. K. FAZLUL HUQ: Sir,—— (Interruptions.) You please explain to them, Sir, that if they interrupt in this way I shall go on till midnight.

Khan Bahadur MOHAMMED ALI: The Opposition is deliberately avoiding the issue before the House.

Mr. A. K. FAZLUL HUQ: Sir, you have got the prorogation order, and the Ministerialists want you to exercise your authority to stop my submission to you. But, Sir, I submit that so far as this order is concerned, we consider this order as illegal, unjust, unfair, unconstitutional, and therefore we cannot submit to it. If this order had been a legal and constitutional order we would not have minded sitting here as long as you like in order to have a discussion on the "no-confidence" motion as well as the votes. But they fail to realise that we do not consider that the Governor was within his rights in accepting the cowardly advice given by the Ministers. (Interruptions and cries of 'Ha", "ha" from the Government benches.)

Khan Bahadur MOHAMMED ALI: Why don't you have the courage to test it now?

Mr. A. K. FAZLUL HUQ: Sir, I do maintain——

Mr. SPEAKER: It is already 8, and I think it is better that we proceed to the business. Mr. Fazlul Huq, if you have got anything to say, please do it. There have been, as you say, obstructions and interruptions like this on many occasions, but still I think you could have finished by now if you are really inclined to make a statement. I hope your statement will be very short and to the point, and I do not think that you will transgress into matters which are beyond the scope of the House.

Mr. A. K. FAZLUL HUQ: Sir, what I have got to say is this. I have got the right to claim that whatever I say I shall say in my own way. I think it should be said here and now that I am not going to take any dictation from any quarter. I have been 44 years in the legal profession and I know what I should say. It is no use telling me. (Cries of "Ha", "ha" and interruptions from the Government benches.) Now, Sir, we know the reason why the Ministers have given this advice to the Governor. (Khan Bahadur MOHAMMED ALI: This is all irrelevant.) Relevant or irrelevant I shall show you now. Sir, within a fortnight 14 members have left their party and joined us, and 15 more members are coming. (Cries of "Ha", "ha" from the Government benches.) You can mesmerise and you can hypnotise people, but they won't run away from us. Therefore, this advice to the Governor.

Now, Sir, so far as the no-confidence motions are concerned you yourself realise that there is not one but two motions pending before the House. As regards the one which you have admitted this evening, you have got to fix a day, and fixing a day means a day other than the day on which the motion for leave has been moved. As regards the previous motion which is down on the agenda for tonight, you will please realise that it is a motion against no less a man than the younger brother of the Chief Minister and an ex-Vice-Chancellor of the Dacca University and an ex-Member of the Executive Council (Khan Bahadur MOHAMMED ALI: We take up the challenge, discuss it.) who holds in the palm of his hand a portfolio as important as Commerce, Labour and Industries. Sir, we shall have to discuss about Shalimar Engineering Company. (Loud interruptions from Government benches.)

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, he is not saying anything in connection with the no-confidence motion.

Khan Bahadur MOHAMMED ALI: He is avoiding the real issue.

Mr. A. K. FAZLUL HUQ: Sir, the real issue (Loud interruptions).

Mr. SPEAKER: Mr. Fazlul Huq, you realise perhaps that it is getting late and I hope you will finish quickly. Gentlemen, you also realise that it is already too late, and we have done practically no work up till now. Let us now proceed to the business of the House.

Mr. A. K. FAZLUL HUQ: Sir,——

Khan Bahadur MOHAMMED ALI: Sir, do you want to give a long rope to hang Mr. Fazlul Huq with?

Mr. SPEAKER: Order, please. I expected, as I have said, that there would be a happy end of the matter today. Mr. Fazlul Huq, we cannot go on like this without going through the business. It is eight minutes past eight.

Dr. NALINAKSHA SANYAL: Sir, you fix Monday next for this business.

Mr. SPEAKER: I cannot do that. It is not within my power.

Dr. NALINAKSHA SANYAL: You have the right to fix a date. Let the Governor overrule you.

Mr. SPEAKER: I cannot do that.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, may I suggest that you give the Leader of the Opposition three minutes more till ten minutes past eight. We know, Sir, that within three minutes Mr. Fazlul Huq can sum up the biggest of cases.

Mr. A. K. FAZLUL HUQ: Sir, what I want to know is a piece of information. You have admitted a no-confidence motion tonight. Will you give us a time on Tuesday next week? If you do that, we can go on with the discussion of the motion of no-confidence against Mr. Shahabuddin.

Mr. SPEAKER: As I have already stated, I am helpless in this matter.

Dr. NALINAKSHA SANYAL: Why, Sir?

Mr. SPEAKER: You cannot compel me to fix a date. According to my judgment, I am helpless. I have got to declare the prorogation order in this House after today's sitting is over. I have got to do it, and therefore it is not within my power to proceed any further. That I have said times without number, and I cannot repeat that. So the only thing I can now do is to call upon Mr. Badruddoja to move his motion of no-confidence against Mr. Shahabuddin.

Dr. NALINAKSHA SANYAL: What about our request, Sir, to ask the Governor to withdraw the Prorogation Order?

Mr. A. K. FAZLUL HUQ: I say if you cannot fix a date, I cannot accept the position that the Governor can intervene and interfere with the business of the House. As a protest against this action of the Governor on the cowardly advice tendered by the Ministers we leave the House.

(At this stage the Opposition members left the chamber and some members of the Coalition Party occupied some of the seats in the Opposition benches.)

No-Confidence Motion.

Mr. SPEAKER: Order, please. Let us proceed with the business of the House.

The no-confidence motion tabled by Mr. Syed Badruddoja not moved.

There is no other business before the House today. I have it in command from His Excellency——

The Hon'ble Mr. Khwaja SHAHABUDDIN: What is your ruling, Sir, about the other motion?

Mr. SPEAKER: I said that this could be moved only today.

Mr. FAZLUL MAHMAN: Sir, you must fix it for today.

Mr. SPEAKER: Let me see if I can fix it today (Pause). I do not think any question of fixing a date arises, especially in view of the fact that so far as I am concerned, I cannot fix it on any date beyond today; and the movers who gave notice of that motion are not in the House at all. So the question of fixing a date does not arise.

I have it in command from His Excellency——

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, may I just point out, before you declare the House to be prorogued, that as you said that you have no other date beyond this evening for fixing a time for discussion of that motion, it is incumbent on you to fix a time today for its discussion.

Mr. SPEAKER: I do not think it is incumbent upon me to fix it today. I have already said, it is not necessary for me to fix any date whatsoever.

Prorogation.

Mr. SPEAKER: I have it in command from His Excelelncy the Governor that the Bengal Legislative Assembly do now stand prorogued.

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